CALL TO ORDER

ROLL CALL

PLEASE TAKE NOTICE


In compliance with the Shelter-In-Place Orders of the County and State, this meeting will be closed to the public. The meeting will be live-streamed on the City’s website at city.fortbragg.com and on Channel 3. Public Comment regarding matters on the special agenda are restricted to electronic and written communications. Comments should be emailed to City Clerk June Lemos, jlemos@fortbragg.com, at any time prior to the meeting, in real-time while the item is being considered by the Council, and up to 12 PM on Tuesday, April 7, 2020. Written comments may be delivered by using the drop-box for utility payments to the right of the front door at City Hall, 416 N. Franklin Street. The Clerk will read aloud all comments received prior to or during the meeting. Any comment exceeding three minutes and those received after the meeting 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 this meeting, please contact the City Clerk at (707) 961-1694 or jlemos@fortbragg.com.

1. MAYOR’S RECOGNITIONS AND ANNOUNCEMENTS

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

3. STAFF COMMENTS

4. MATTERS FROM COUNCILMEMBERS

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

5A. 20-684 Adopt City Council Resolution Ratifying the City Manager’s Approval of a Three-Month Business Loan Forbearance for Sportz Investments, Inc. Due to the COVID-19 Pandemic
   
   **Attachments:**  
   RESO Ratifying Loan Forbearance  
   Ex A Forbearance Letter Sportz

5B. 20-680 Adopt City Council Resolution Confirming the Continued Existence of a Local Emergency in the City of Fort Bragg
   
   **Attachments:**  
   RESO Declaring Continuing Local Emergency

5C. 20-681 Approve Minutes of Special Meeting of March 30, 2020
   
   **Attachments:**  
   CCM2020-03-30_Special

6. CONDUCT OF BUSINESS

6A. 20-682 Receive Report and Consider Adoption of Urgency Ordinance No. 961-2020 Establishing Administrative Penalties for Violations of the Mendocino County Public Health Officer’s Orders Pertaining to the Coronavirus (COVID-19) Pandemic
   
   **Attachments:**  
   04062020 Penalties Violation of PH Officer Orders  
   Att. 1 Urgency Ordinance  
   Att. 2 Executive Order N-25-20  
   Public Comment 6A

   
   **Attachments:**  
   04062020 COV19 Emergency Financial Report 1  
   Five year forecast  
   Emergency Financial Report  
   Public Comment 6B

6C. 20-686 Receive Report and Consider Establishing a COVID-19 Mortgage Assistance Program
   
   **Attachments:**  
   04062020 Mortgage Assistance  
   Public Comment 6C

6D. 20-687 Updates, Discussion and Assignments for the City Council COVID-19 Ad Hoc Committee
   
   **Attachments:**  
   04062020 Ad Hoc Committee Report  
   COVID-19 Ad Hoc
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.

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 April 3, 2020.

_______________________________________________
June Lemos, CMC, City Clerk
Adopt City Council Resolution Ratifying the City Manager's Approval of a Three-Month Business Loan Forbearance for Sportz Investments, Inc. Due to the COVID-19 Pandemic
RESOLUTION NO. ____-2020

RESOLUTION OF THE FORT BRAGG CITY COUNCIL RATIFYING
THE CITY MANAGER’S APPROVAL OF A THREE-MONTH BUSINESS LOAN
FORBEARANCE FOR SPORTZ INVESTMENTS, INC. DUE TO THE COVID-19
PANDEMIC

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

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

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

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

WHEREAS, the County and State Shelter-in-Place Orders have closed many businesses in the City of Fort Bragg resulting in the loss of jobs for many local residents, a substantial decrease in revenues generated by local businesses and had a profound negative impact on the economy both locally, state-wide and nationally.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fort Bragg hereby approves and ratifies the City Manager's forbearance of collection on a Business Loan between the City of Fort Bragg and Sportz Investments, Inc. for a three-month period beginning on April 1, 2020 and continuing through June 30, 2020 as set forth in Exhibit A.

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 6th day of April, 2020, by the following vote:

AYES: 
NOES: 
ABSENT: 
ABSTAIN: 
RECUSED: 

______________________________
WILLIAM V. LEE
Mayor

ATTEST:
______________________________
June Lemos, CMC
City Clerk
City of Fort Bragg
Business Loan Program
416 N. Franklin Street
Fort Bragg, CA 95437

Re: Loan No. FBOTC-2015
Principal: $720, 396.72
Loan Date: 2/1/2015
Maturity: 3/1/2035
Borrower: Sportz Investments, Inc.
200 E. Chestnut Street
Fort Bragg, CA 95437

April 1, 2020

Dear Mr. Michael E. Slaughter,

At your request, and due to the current state of emergency caused by the COVID-19 pandemic, the City of Fort Bragg has agreed to forbear collection of the above referenced loan for a period of three (3) months beginning April 1, 2020 and continuing through June 30, 2020. During this period of forbearance, your obligation to make monthly payments of $3,644.37 is suspended. The date for final payment is extended by three (3) months, with the total number of payments remaining the same. We agree that amortization will freeze and that the amortization schedule is hereby amended to reflect these changes. Interest will not accrue during this period of forbearance, and we agree that no other terms or conditions of the above referenced loan are waived or modified.

City of Fort Bragg

Sportz Investment, Inc.

Tabatha Miller, City Manager

Michael E. Slaughter, President

Attest:

June Lemos, City Clerk
Adopt City Council Resolution Confirming the Continued Existence of a Local Emergency in the City of Fort Bragg
At a special meeting on March 24, 2020, the Fort Bragg City Council ratified the City Manager’s Proclamation declaring a local emergency due to COVID-19 in its Resolution No. 4242-2020. The City is required to reconfirm the existence of a local emergency every 21 days pursuant to Fort Bragg Municipal Code Section 2.24.040.
RESOLUTION NO. _____-2020

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

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

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

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

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

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

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

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

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

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

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

The above and foregoing Resolution was introduced by Councilmember ________, seconded by Councilmember ________, and passed and adopted at a special meeting of the City Council of the City of Fort Bragg held on the 6th day of April, 2020, by the following vote:

AYES: 
NOES: 
ABSENT: 
ABSTAIN: 
RECUSED: 

______________________________
WILLIAM V. LEE 
Mayor

______________________________
June Lemos, CMC 
City Clerk
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<th><strong>Version:</strong> 1</th>
<th><strong>Status:</strong> Consent Agenda</th>
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<td><strong>File Type:</strong> Minutes</td>
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**Agenda Number:** 5C.

Approve Minutes of Special Meeting of March 30, 2020
Special Meeting

CALL TO ORDER

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

ROLL CALL

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

1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

None.

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

The City Clerk read public comments into the record as follows:
(1) Non-Agenda Items:
  • Gabriel Quinn Maroney submitted comments regarding the political response to the coronavirus threat.
(2) Consent Calendar Items: None.

3. STAFF COMMENTS

City Manager Miller read a statement from the Mendocino Coast Clinics regarding screening for COVID-19 at the clinics. She noted that people can take walks from their homes, but all parks are closed in town. State Parks have closed all parks throughout the state to vehicular traffic and all 20 State Parks in Mendocino County are completely closed. The Danco Project on South Street has received the tax credit financing for which it applied, and that housing project may get underway soon. All City restrooms in town are closed, but there is an ADA compliant restroom with a handwashing station in the parking lot to the north of City Hall. A second portable restroom may soon be installed near Town Hall. Miller reported that Assistant Planner Sarah McCormick has been promoted to Housing & Economic Development Coordinator. She recommended that those who are not sick view You Tube videos on how to make simple face masks from cotton t-shirts.

4. MATTERS FROM COUNCILMEMBERS
Mayor Lee gave a brief update on how the hospital is coping with the coronavirus emergency. Councilmembers Albin-Smith and Morsell-Haye summarized the recent activities of the COVID-19 Ad Hoc Committee. The committee members will work with the City Manager to establish a list of tasks to be undertaken to help the community in the face of the pandemic. The City Manager will distribute the list to Councilmembers and City staff and ask for volunteers to work on the various assignments.

5. CONSENT CALENDAR

Approval of the Consent Calendar

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

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

5A. 20-677
Adopt City Council Resolution Designating the City of Fort Bragg's Agents for Non-State Agencies in Compliance with California Office of Emergency Services Regulations

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4243-2020

5B. 20-659

This Report was accepted on the Consent Calendar.

5C. 20-676
Approve Minutes of Special Meeting of March 24, 2020

These Minutes were approved on the Consent Calendar.

6. CONDUCT OF BUSINESS

6A. 20-675
Receive Report and Consider Adoption of Urgency Ordinance No. 960-2020 Adding a Temporary Moratorium on Evictions Due to COVID-19

City Manager Miller presented the staff report on this agenda item, explaining that the urgency ordinance requires four-fifths of the Council to adopt and would go into effect immediately if passed and adopted. She reviewed the new Order No. N-37-20 from Governor Newsom regarding evictions, noting that it only applies to residential tenants, not commercial, as the City's proposed ordinance does. The City Manager recommended making the urgency ordinance effective through May 31, 2020.

Public Comment: The City Clerk read public comments from the following persons into the record:

- Jamie Peters wrote in support of the urgency ordinance for both residential and commercial tenants.
- Ona Rynerson urged the Council to adopt the resolution as written.
Hilary White also favored passage of the urgency ordinance.
Paul Clark wrote in opposition to the ordinance, stating that it hurts landlords and that tenants who should be evicted won’t be.

Discussion: After deliberation, the Council decided to amend the urgency ordinance as follows:
- The tenant must notify the landlord seven days before the rent is due, except for rent due April 1, 2020.
- Section 2 is amended to state that the landlord's authority to evict tenants is suspended through May 31, 2020.
- Section 4 is amended to delete the reference to the Governor's Executive Order and insert the expiration date of May 31, 2020.

Direction: Council directed City Manager Miller to bring an item forward at the next special City Council meeting regarding a zero-interest loan program for local landlords who can demonstrate that they have been impacted by the COVID-19 crisis.

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

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

Enactment No: ORD 960-2020

ADJOURNMENT

Mayor Lee adjourned the meeting at 7:53 PM.

________________________________
WILLIAM V. LEE, MAYOR

__________________________
June Lemos, CMC, City Clerk

IMAGED (___________)
Receive Report and Consider Adoption of Urgency Ordinance No. 961-2020 Establishing Administrative Penalties for Violations of the Mendocino County Public Health Officer’s Orders Pertaining to the Coronavirus (COVID-19) Pandemic
AGENDA ITEM SUMMARY

**TITLE:**
Receive Report and Consider Adoption of Urgency Ordinance No. 961-2020 Establishing Administrative Penalties for Violations of the Mendocino County Public Health Officer’s Orders Pertaining to the Coronavirus (COVID-19) Pandemic

**ISSUE:**
The Mendocino County Health Officer, Dr. Noemi Doohan, declared a local health emergency on March 4, 2020. The County Health Officer issued a Recommended Shelter-in-Place Order on March 16, 2020, a Mandatory Shelter-in-Place Order on March 18, 2020 and a Revised Mandatory Shelter-in-Place Order on March 24, 2020 (collectively referred to as “Orders”). The Orders require all persons in the County to shelter in place, except to perform Essential Activities and operate Essential Businesses, as defined in the Orders. Reports of violations of the Orders continue to be received throughout the County, including the City of Fort Bragg.

The Mendocino County Board of Supervisors approved an Administrative Penalty Ordinance at its March 31, 2020 meeting and the City of Ukiah followed suit and approved an Ordinance on April 1, 2020. The ordinances provide that any violation of the COVID-19 related Health Officer’s Orders is also a violation of a local Ordinance and therefore allows Code Enforcement to impose administrative penalties to any person or business failing to comply with the Orders after receiving notice of non-compliance.

**ANALYSIS:**
Most businesses and individuals within the City of Fort Bragg have and it is expected will continue to comply with the Shelter-in-Place Orders. Efforts between the County Health Department, the County Sheriff’s Office and the Fort Bragg Police Department have been coordinated and cooperative. An Ordinance establishing administrative penalties for violating the Shelter-in-Place Orders merely provides the City another tool, if it becomes necessary, and allows the City’s actions to be consistent with the County’s policies and practices.

The proposed Ordinance provides flexibility on the part of the designated Code Enforcement Officer in applying the amount of penalty, as it is set in an amount not to exceed $500 for an individual violating the Orders and $10,000 for a business violating the Orders. Thus, the Code Enforcement Officer has discretion to set the penalty as low as $1.00 or at the maximum level. The proposed Ordinance requires that an individual and business receive a warning that they are violating the Orders twenty-four hours prior to a citation being issued which would include an administrative penalty, so there is ample opportunity to cure the violation prior to incurring any penalty. Any individual or business receiving a citation has the right and opportunity to appeal the citation to a hearing officer which includes the County Health Officer, City Manager or designee.
Police Chief Naulty supports establishing the Administrative Penalties as an additional means of enforcement, if necessary, and as an alternative to using sworn officers who may be needed for higher priorities such as controlling the peace and responding to emergencies.

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.

RECOMMENDED ACTION:
Waive the reading of the Ordinance and adopt by title only an Urgency Ordinance of the City of Fort Bragg establishing administrative penalties for violations of the Mendocino County Public Health Officer’s Orders pertaining to the COVID-19 Pandemic.

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

FISCAL IMPACT:
Although there is no expectation that it will be necessary to levy penalties, any fees collected would offset the costs of enforcing the Shelter-in-Place Orders.

GREENHOUSE GAS EMISSIONS IMPACT:
Not applicable to enforcement actions.

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

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

ATTACHMENTS:
1. Urgency Ordinance 961-2020
2. Governor’s Order N-28-20

NOTIFICATION:
1. Press Release, Notify Me subscriber list
BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

UNCODIFIED URGENCY ORDINANCE
OF THE CITY COUNCIL OF THE CITY OF FORT BRAGG ADOPTING
ADMINISTRATIVE PENALTIES FOR VIOLATION OF THE COUNTY HEALTH OFFICER’S COVID-19 PANDEMIC ORDERS

URGENCY ORDINANCE NO. 961-2020

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

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

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

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

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

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

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

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

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

1. In light of the COVID-19 pandemic and Governor Newsom’s state of emergency proclamation, on March 12, 2020, the Governor issued Executive Order N-25-20, ordering residents to heed
any order by local public health Officers, “including but not limited to the imposition of social distancing measures, to control the spread of COVID-19.”

2. A violation of the Governor’s Executive Order N-25-20 is a misdemeanor pursuant to California Government Code § 8665.

3. A violation of the County Health Officer’s orders made to control the spread of COVID-19, including but not limited to the Shelter-in-Place Order that was issued on March 24, 2020, is a violation of the Governor’s Executive Order N-25-20.

4. California Health and Safety Code §§ 120275 and 120295 make it a misdemeanor to violate certain sections of the Health and Safety Code, including those requiring individuals to comply with health orders to facilitate isolation, such as the County Health Officer’s Shelter-in-Place Order.

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

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

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

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

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

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

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

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

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

Section 2. Applicability.
This ordinance applies from April 1, 2020, through May 31, 2020, within the incorporated City limits or such additional period of time as declared by City Council resolution.

Section 3. Authority.
This ordinance is adopted pursuant to the general police power of the City under Cal. Const. Art XI § 7 to protect the health, safety and welfare of its citizens, the local emergency declared by the City Manager on March 17, 2020 pursuant to Government Code Section 8630 and the Governor’s Executive Order N-25-20.

Section 4. Citation.
This ordinance may be referred to as the “COVID-19 Administrative Penalties Ordinance.”

Section 5. Definitions.
A. “Citation” or “Administrative Citation” means a civil citation issued pursuant to Section 9 of this Ordinance.

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

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

D. “Days” means calendar days.

E. “Enforcement Officer” means the Code Enforcement Officer designated by the City Manager, any peace officer with jurisdiction in the City of Fort Bragg, any person designated by the City Manager to be responsible for Code Enforcement, or anyone identified by resolution of the City Council.
F. “Responsible Party” means an individual or legal entity, or the agent or legal guardian of such individual or entity, whose action or failure to act violates a COVID-19 Order.

Section 6. Adoption of County Health Officer Orders as City Law.
All COVID-19 Orders are hereby incorporated into this Ordinance as the law of the City of Fort Bragg.

Section 7. Violation and Enforcement.
A. A violation of a COVID-19 Order shall be a misdemeanor, a public nuisance, and a violation of this Ordinance, and as such, a violation of this Ordinance may be enforced as a misdemeanor, as a public nuisance, or as a civil violation through imposition of administrative penalties as detailed in this ordinance.

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

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

Section 8. No Exclusivity and Election of Proceedings.
This Ordinance provides for enforcement proceedings that are supplemental to all other enforcement proceedings provided by local, state or federal law, whether administrative, civil or criminal in nature. As such, the provisions of this Ordinance may be utilized alone or in conjunction with any other remedy at law or in equity, including, but not limited to, temporary restraining order and preliminary or permanent injunctive relief. Election to employ one or more proceedings provided by this Ordinance shall be at the sole discretion of the City and shall be without prejudice to the City choosing to also proceed simultaneously or subsequently by pursuing different enforcement proceedings or remedies with respect to the same violation.

Section 9. Issuance of Notice or Citation; Penalty Amounts.
A. Each and every day a violation of a COVID-19 Order exists constitutes a separate and distinct offense. One or more citations may be issued for each day the violation continues.

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

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

D. When an Enforcement Officer discovers, or otherwise determines that a violation of a COVID-19 Order occurred, such Enforcement Officer may issue a Notice of Violation to the Responsible Party that provides twenty-four (24) hours to abate the violation. The decision to issue a Notice of Violation rather than a Citation is at the discretion of the Enforcement Officer.

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

F. The civil penalty for each violation involving a non-Commercial Activity shall be a fine not to exceed $500.00.

G. The civil penalty for each violation involving a Commercial Activity shall be a fine not to exceed $10,000.00.

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

I. The administrative penalty, or any portion thereof, may be waived by the City Manager as the Director of Emergency Services, or their designee, for good cause.

Section 10. Form and Service for Citation or Notice.
A. The Administrative Citation or Notice of Violation shall contain the following information:

1. The name and address of the Responsible Party; and

2. The date and address or description of the location where the violation occurred; and

3. Reference to the COVID-19 Order that the act or omission violated, including reference to the paragraph number containing the provision violated and the date of issuance of the COVID-19 Order; a brief description of the violation should be included if greater specificity is required to provide adequate notice of the violation; and

4. The amount of the penalty if the notice provided is for an Administrative Citation; and

5. Identification of appeal rights and a description of how to appeal; and

6. The signature of the Enforcement Officer issuing the Citation along with the date of issuance of the Citation.

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

Section 11. Service Procedures.
An Administrative Citation may be served on the Responsible Party as follows:

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

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

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

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

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

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

Section 12. Procedure to Appeal an Administrative Citation.
A. Any recipient of a Citation who is identified as a Responsible Party may contest that he or she was responsible for violating the COVID-19 Order as cited by appealing the citation to the City.

B. To appeal the Citation, the recipient must give notice to the City within ten (10) days from the date of service of the Citation that they are appealing the Citation. The notice to the City may be made by providing a document, in writing, bearing the title, “Appeal of Administrative Citation,” containing the following:

1. The name, address and phone number of the appellant; and

2. Sufficient information to identify the Citation; and

3. The grounds on which the Citation is being contested; and

4. All information, including copies of any exhibits, that supports the grounds for appealing the Citation.
C. Upon receipt of a timely requested appeal, the City will present the matter to the County Health Officer, City Manager, or their designee, so that they can make an initial determination about whether the appellant violated a COVID-19 Order as stated in the citation being appealed.

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

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

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

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

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

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

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

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

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

I. Prior to the hearing in front of the Hearing Officer, the City will provide the Hearing Officer will all the documents provided by the appellant, along with any additional documents that the City believes are relevant and supportive of its case. If the Hearing Officer communicates with either side for the purpose of seeking additional documents, asking questions, or for any other purpose that is relevant to the hearing proceedings, the party that is contacted should make reasonable
efforts to inform the opposing party of such contact, and substance thereof, no later than the commencement of the hearing.

Section 13. Hearing Procedure.
At the time and place stated in the notice of public hearing, the Hearing Officer shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from the Responsible Party, witnesses, City staff, and interested persons relative to such violation of a COVID-19 order. The hearing may be continued from time to time. The Hearing Officer may request additional information from the parties prior to issuing a written decision. The failure of any appellant of an Administrative Citation to appear at the scheduled hearing shall constitute a failure to exhaust administrative remedies.

Section 14. Administrative Order.
A. At the conclusion of the hearing by the Hearing Officer, the Hearing Officer shall determine whether the Responsible Party violated a COVID-19 Order as specified in the Citation being contested, and shall state the reasons for that decision in a written order.

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

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

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

E. The Hearing Officer’s written decision and order shall become the final administrative order of the City.

Section 15. Right to Judicial Review.
Any Responsible Party aggrieved by the decision of the Hearing Officer may obtain further review by filing a petition for review with the Mendocino County Superior Court in accordance with the timelines and provisions as set forth in California Government Code § 53069.4.

Section 16. Failure to Pay Fines.
The City may pursue any remedy authorized by law to collect administrative penalties that are not timely paid, including but not limited to a civil action for collection of civil penalties.

Section 17. Notices.
A. The Administrative Citation and all notices to be given or served pursuant to this Ordinance shall be given or served on the Responsible Party in accordance with the provisions of this Ordinance.
B. If a notice is required by this Ordinance, including but not limited to a notice of Citation, and the notice is properly given or served pursuant to the provisions of this Ordinance, the failure to receive such notice shall not affect the validity of proceedings conducted pursuant to his Ordinance.

Section 18. URGENCY ORDINANCE
This Ordinance is hereby declared to be necessary for the immediate preservation of the public peace, health, and safety and will take effect and be in force upon its adoption by a four-fifths (4/5) vote of the members of the Fort Bragg City Council. The facts constituting the urgency are as follows:

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

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

3. On May 18, 2020, the Health Officer of the County of Mendocino issued a shelter in place order, the violation of which is punishable as a misdemeanor.

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

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

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

7. It would substantially defeat the purpose of the temporary administrative enforcement mechanism for orders of the County Health Officer provided by this Ordinance and endanger the health of the community, if the effective date of this Ordinance were delayed to permit introduction at one City Council meeting, adoption at a second meeting and a referendum period of 30 days following adoption of the Ordinance.
Section 19. CEQA COMPLIANCE. The adoption of this Ordinance is not subject to CEQA pursuant to Sections 15060(c)(2) and 15061(b)(3) of the State CEQA Guidelines, because it will not result in a direct or reasonably foreseeable indirect physical change in the environment and because there is no possibility that it may have a significant effect on the environment.

Section 20. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Fort Bragg hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

The foregoing Urgency Ordinance was introduced by Councilmember [Name] and adopted at a special meeting of the City Council of the City of Fort Bragg held on April 6, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

William V. Lee,
Mayor

ATTEST:

June Lemos, CMC
City Clerk

EXECUTIVE ORDER N-25-20

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 are needed; and

WHEREAS state and local public health officials may, as they deem necessary in the interest of public health, issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences, or other mass events, which could cause the cancellation of such gatherings through no fault or responsibility of the parties involved, thereby constituting a force majeure; and

WHEREAS the Department of Public Health is maintaining up-to-date guidance relating to COVID-19, available to the public at http://cdph.ca.gov/covid19; and

WHEREAS the State of California and local governments, in collaboration with the Federal government, continue sustained efforts to minimize the spread and mitigate the effects of COVID-19; and

WHEREAS there is a need to secure numerous facilities to accommodate quarantine, isolation, or medical treatment of individuals testing positive for or exposed to COVID-19; and

WHEREAS, many individuals who have developmental disabilities and receive services through regional centers funded by the Department of Developmental Services also have chronic medical conditions that make them more susceptible to serious symptoms of COVID-19, and it is critical that they continue to receive their services while also protecting their own health and the general public health; and

WHEREAS individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources such as shelters and food banks; and

WHEREAS in the interest of public health and safety, it is necessary to exercise my authority under the Emergency Services Act, specifically Government Code section 8572, to ensure adequate facilities exist to address the impacts of COVID-19; and
WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571 and 8572, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. All residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19.

2. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 2627(b)(1) for disability insurance applicants who are unemployed and disabled as a result of the COVID-19, and who are otherwise eligible for disability insurance benefits.

3. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 1253(d) for unemployment insurance applicants who are unemployed as a result of the COVID-19, and who are otherwise eligible for unemployment insurance benefits.

4. Notwithstanding Health and Safety Code section 1797.172(b), during the course of this emergency, the Director of the Emergency Medical Services Authority shall have the authority to implement additions to local optional scopes of practice without first consulting with a committee of local EMS medical directors named by the EMS Medical Directors Association of California.

5. In order to quickly provide relief from interest and penalties, the provisions of the Revenue and Taxation Code that apply to the taxes and fees administered by the Department of Tax and Fee Administration, requiring the filing of a statement under penalty of perjury setting forth the facts for a claim for relief, are suspended for a period of 60 days after the date of this Order for any individuals or businesses who are unable to file a timely tax return or make a timely payment as a result of complying with a state or local public health official’s imposition or recommendation of social distancing measures related to COVID-19.

6. The Franchise Tax Board, the Board of Equalization, the Department of Tax and Fee Administration, and the Office of Tax Appeals shall use their administrative powers where appropriate to provide those individuals and businesses impacted by complying with a state or local public health official’s imposition or recommendation of social
distancing measures related to COVID-19 with the extensions for filing, payment, audits, billing, notices, assessments, claims for refund, and relief from subsequent penalties and interest.

7. The Governor’s Office of Emergency Services shall ensure adequate state staffing during this emergency. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors, are suspended. Furthermore, reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. The Director of the California Department of Human Resources must be notified of any individual employed pursuant to these waivers.

8. The California Health and Human Services Agency and the Office of Emergency Services shall identify, and shall otherwise be prepared to make available—including through the execution of any necessary contracts or other agreements and, if necessary, through the exercise of the State’s power to commandeer property—hotels and other places of temporary residence, medical facilities, and other facilities that are suitable for use as places of temporary residence or medical facilities as necessary for quarantining, isolating, or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period.

9. The certification and licensure requirements of California Code of Regulations, Title 17, section 1079 and Business and Professions Code section 1206.5 are suspended as to all persons who meet the requirements under the Clinical Laboratory Improvement Amendments of section 353 of the Public Health Service Act for high complexity testing and who are performing analysis of samples to test for SARS-CoV-2, the virus that causes COVID-19, in any certified public health laboratory or licensed clinical laboratory.

10. To ensure that individuals with developmental disabilities continue to receive the services and supports mandated by their individual program plans threatened by disruptions caused by COVID-19, the Director of the Department of Developmental Services may issue directives waiving any provision or requirement of the Lanterman Developmental Disabilities Services Act, the California Early Intervention Services Act, and the accompanying regulations of Title 17, Division 2 of the California Code of Regulations. A directive may delegate to the regional centers any authority granted to the Department by law where the Director believes such delegation is necessary to ensure services to individuals with developmental disabilities. The Director shall describe the need justifying the waiver granted in each directive and articulate how the waiver is necessary to protect the public health or safety from the threat of COVID-19 or necessary to ensure that services to individuals with developmental disabilities are not disrupted. Any waiver granted by a directive shall expire 30 days from the date of its issuance. The Director may grant one or more 30-day extensions if the waiver continues to be necessary.
to protect health or safety or to ensure delivery of services. The Director shall rescind a waiver once it is no longer necessary to protect public health or safety or ensure delivery of services. Any waivers and extensions granted pursuant to this paragraph shall be posted on the Department’s website.

11. Notwithstanding any other provision of state or local law, including the Bagley-Keene Act or the Brown Act, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body or state body, during the period in which state or local public officials impose or recommend measures to promote social distancing, including but not limited to limitations on public events. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

(i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
(ii) each teleconference location be accessible to the public;
(iii) members of the public may address the body at each teleconference conference location;
(iv) state and local bodies post agendas at all teleconference locations;
(v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
(vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended, on the conditions that:

(i) each state or local body must give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
(ii) consistent with the notice requirement in paragraph (i), each state or local body must notice at least one publicly accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public’s rights of access and public comment otherwise provided for by the Bagley-Keene Act and the Brown Act, as applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).
In addition to the mandatory conditions set forth above, all state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

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

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

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 12th day of March 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLO
Secretary of State
Lemos, June

From: Paul Clark <pclark@fortbraggrealty.co>
Sent: Monday, April 6, 2020 9:44 AM
To: Lemos, June; Paul Clark
Subject: FW: City Council 04062020 6A
Attachments: Council 04062020 6A.pdf

City Council
The population of Mendocino County 87,628 (2016) 4 known cases, all are in custody care or cured. Per the county website.

It is my opinion this item should be tabled and only brought back IF the need arises. It sends a bad message to the community business folks that they will now face prosecution. A kind word of warning if there are violations will go a long way. I do not think it is needed at this time. Let the County Health department enforce it if this becomes an issue. They have shut down one business for disregarding the order. It also does not address the State order, which is different than the County in essential business description.

Perhaps some statistics of violations would help in this situation. I see none in the report.

With any luck as the community and State have been very responsive this will be over soon for the most part.

Paul Clark
AGENDA ITEM SUMMARY

TITLE:
Receive Report and Consider Adoption of Urgency Ordinance No. 961-2020 Establishing Administrative Penalties for Violations of the Mendocino County Public Health Officer’s Orders Pertaining to the Coronavirus (COVID-19) Pandemic

ISSUE:
The Mendocino County Health Officer, Dr. Noemi Doohan, declared a local health emergency on March 4, 2020. The County Health Officer issued a Recommended Shelter-in-Place Order on March 16, 2020, a Mandatory Shelter-in-Place Order on March 18, 2020 and a Revised Mandatory Shelter-in-Place Order on March 24, 2020 (collectively referred to as “Orders”). The Orders require all persons in the County to shelter in place, except to perform Essential Activities and operate Essential Businesses, as defined in the Orders. Reports of violations of the Orders continue to be received throughout the County, including the City of Fort Bragg.

The Mendocino County Board of Supervisors approved an Administrative Penalty Ordinance at its March 31, 2020 meeting and the City of Ukiah followed suit and approved an Ordinance on April 1, 2020. The ordinances provide that any violation of the COVID-19 related Health Officer’s Orders is also a violation of a local Ordinance and therefore allows Code Enforcement to impose administrative penalties to any person or business failing to comply with the Orders after receiving notice of non-compliance.

ANALYSIS:
Most businesses and individuals within the City of Fort Bragg have and it is expected will continue to comply with the Shelter-in-Place Orders. Efforts between the County Health Department, the County Sheriff’s Office and the Fort Bragg Police Department have been coordinated and cooperative. An Ordinance establishing administrative penalties for violating the Shelter-in-Place Orders merely provides the City another tool, if it becomes necessary, and allows the City’s actions to be consistent with the County’s policies and practices.

The proposed Ordinance provides flexibility on the part of the designated Code Enforcement Officer in applying the amount of penalty, as it is set in an amount not to exceed $500 for an individual violating the Orders and $10,000 for a business violating the Orders. Thus, the Code Enforcement Officer has discretion to set the penalty as low as $1.00 or at the maximum level. The proposed Ordinance requires that an individual and business receive a warning that they are violating the Orders twenty-four hours prior to a citation being issued which would include an administrative penalty, so there is ample opportunity to cure the violation prior to incurring any penalty. Any individual or business receiving a citation has the right and opportunity to appeal the citation to a hearing officer which includes the County Health Officer, City Manager or designee.

AGENDA ITEM NO. 6A
Police Chief Naulty supports establishing the Administrative Penalties as an additional means of enforcement, if necessary, and as an alternative to using sworn officers who may be needed for higher priorities such as controlling the peace and responding to emergencies.

**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.

**RECOMMENDED ACTION:**
Waive the reading of the Ordinance and adopt by title only an Urgency Ordinance of the City of Fort Bragg establishing administrative penalties for violations of the Mendocino County Public Health Officer’s Orders pertaining to the COVID-19 Pandemic.

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

**FISCAL IMPACT:**
Although there is no expectation that it will be necessary to levy penalties, any fees collected would offset the costs of enforcing the Shelter-in-Place Orders.

**GREENHOUSE GAS EMISSIONS IMPACT:**
Not applicable to enforcement actions.

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

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

**ATTACHMENTS:**
1. Urgency Ordinance 961-2020
2. Governor’s Order N-28-20

**NOTIFICATION:**
1. Press Release, Notify Me subscriber list
Greetings June,

can you possibly have the attached link and PDF file placed under Conduct of Business 6A as a public comment? They don't need to be read during the teleconference meeting.

Thank you!

Gabriel Quinn Maroney

https://off-guardian.org/2020/03/24/12-experts-questioning-the-coronavirus-panic/
Cov-19, What determines how it will affect you, and What is the True Death Rate?

Christopher Hobbs, Ph.D.
March 31, 2020

As of today, March 31, the death rate in the U.S. overall from Cov-19 is 2,860 deaths/163,539 = 1.7%. However, this is not accurate because of widespread under-testing and because of asymptomatic cases. The newest estimate based on statistical modeling is now 0.15%, about the same as seasonal flu. See the full article by clicking on the link for more details and references. https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html

According to government estimates, the virus is in the rapid infectious state with acceleration of many new infections expected daily until the peak (if we continue to maintain social distancing and other protective measures), which is estimated to be on April 15, then new infections slowly declining until much lower levels of infections on June 1st, much lower on June 15th, and negligible levels on July 1st. https://covid19.healthdata.org/projections

Many more interesting details and discussion in the full pdf article available by clicking the link.

Can we agree that the major problem with discussing this with any cogency is the lack of good data? Let's hope this comes with time and we will get a clearer picture of what we are facing with this novel virus if any scientists are left that are unspinnable.

In Wuhan, in the ground-central population of just over 80,000 people who were initially infected with the virus, the death rate was estimated to be 1.4%. These people had access to traditional Chinese medicine, and most people used TCM and herbs along with western medicine during their treatment. Underreporting was likely here as well. We can't begin to know how many cases are asymptomatic, unchecked, cases where people don't know if they have a cold or flu and are just resting and treating at home.

However, a very recent study (Siettos et al., 2020) used mathematical modelling, the accuracy which was confirmed by predictions for the Hubei, China initial outbreak which turned out to correspond well with the prediction from the model. They predict that 20x more people are infected than is are evident from testing, and based on this, predict an overall death rate of 0.15% (similar to the seasonal flu). They also determined the decline of infection should be at the end of February, which turned out to be true. Since the first reported cases were in late December, that means the first signs of decline should be about 2 months. For the U.S., that means declines in infections should occur in late April or early May.

A number of factors are involved with how someone who acquires an infection will fare. As always, the overall health status and present condition of the patient is the key to how things will go. This is evident in the wide range of outcomes being reported, including that 80% of people infected come through the course of the infection without major complications, and some hardly know they are infected. Considering a number of sources, the death rate for SARS-Cov-2 infections is about 0.2 to 0.5, and for the seasonal flu, about 0.15. Both of these statistics likely underestimate the influence of comorbidities in serious illness and death.

These factors include immune status, the presence of other infections, comorbidities, especially the health of the respiratory tract and cardiovascular system to begin with. For the cardiovascular system, "Coronavirus disease 2019 is associated with a high inflammatory burden that can induce vascular
inflammation, myocarditis, and cardiac arrhythmias" (Madjid et al., 2020). It's no coincidence that the highest incidence and burden of cardiovascular disease is among elderly men, as are drastic outcomes for Cov-2 infections. For respiratory tract health, breathing polluted air in the cities, smoking something for a lifetime, or shutting oneself up in overly-heated rooms with little access to fresh air, as well as lack of aerobic exercise all take their toll. One also has to consider nutritional status, overweight and obesity, pre-diabetes, diabetes, just to name some of the most notable factors.

Isn't it clear that these are more at play when determining the outcome of a Cov-2 infection than simply one's age?

More details and references in the full article I'm posting on my Facebook page later today, "Cov-19, What determines how it will affect you, and What is the True Death Rate?"

I will argue that overall, the median death rate (median meaning a value lying at the midpoint of a frequency distribution of observed values) from various countries, cities, communities is likely to be about 0.15-0.5% of total cases. Based on a number of papers I've reviewed, the median death rate for the seasonal flu is about 0.15%, and the data is from multiple cold and flu seasons adjusted for age, comorbidities, and other factors. As noted above, Anastassopoulou et al., 2020 concludes the actual death rate is likely to be 0.15% overall when considering widespread under-testing.

According to the previous papers mentioned, the chance of dying of influenza or a Cov-2 infection is about 5x higher among those >60 years of age or so. Another recent paper (Yuan et al., 2020) determined that based on 27 patients with severe lung disease that were hospitalized associated with the virus (mostly older adults with comorbidities), 63% recovered and 37% died.

The point I'm trying to make is that the Cov-2 virus is not likely to be inherently more lethal or infectious than some strains of flu we face each year, statistically-speaking. It's spreading so fast because it's novel and very few had any immune interactions with it previously. As with other seasonal pathogens, we will see a peak and decline for infections once enough people have developed antibodies and other immune strategies to deal with it.

Our immune system is quite capable since it has been refined and has co-evolved with countless pathogens, some of them amazingly virulent, as long as animals have been on the planet. A recent article describes the segmented and mobile tiny "yiling bug" which is thought to be about half a billion years old (Xiao et al., 2020). In other words, our immune systems have seen it all. Since (at least to virologists) viruses are a living entity, one wonders "what's their agenda anyway?" I'm going to argue again that their "agenda" is to be part of the homeostasis-maintaining mechanisms for the giant biosphere that is planet earth. When one species gets out of control (yes, I'm talking about us), checks and balances have to check and balance.

What invigorates my ire is when the media reports that "older people" are more at risk of having serious illness and more likely to die than others, and then go on to say that this is because elderly people have weaker immune systems. Based on some data, the media is reporting that older men are the most likely to have serious consequences of the viral infection and also die from it.

But is this really true that elderly people have inherently weaker immune system? Perhaps to a small degree as we become very old. If we think of the

"Acute cardiac injury determined by elevated high-sensitivity troponin levels is commonly observed in severe cases and is strongly associated with mortality. Acute respiratory distress syndrome is also
strongly associated with mortality. Coronavirus disease 2019 is associated with a high inflammatory burden that can induce vascular inflammation, myocarditis, and cardiac arrhythmias" (Madjid et al., 2020).

If you get a chance, please read through the following article on the Off-guardian website:

Some readers of it objected to the article, calling it irresponsible and vague in some of its facts. However, based on statistics I’ve presented and referenced, I think some of what these medical experts are saying bear considering.

https://off-guardian.org/2020/03/24/12-experts-questioning-the-coronavirus-panic/?fbclid=IwAR1LBAOlwVsog19FGbMqACQ_xPdTvhBi5rpyYvi37tr3RA68n9EViOfH3mA&__cf_chl_jsc_hl_tk__=1df2ad7f1f09041657cbbc9a67861e1ba8e4847-1585688763-0-AeVtttxig4ucPJsMVZMfyEQkANG1eEct65B1k4qEapWLNVvz3kM0tVWs3k41icu00aXumAedAHvlVmlcn6JF5i3hi-TM0Yr-g7ffE7062KSo4CW4ippgfAbit8ZACyoee787indWo4HlyVNJJNUR5dl3yEND64nW81u4fZOREjj1Zm4FhsC371uEHVNjjk3_AeniKf5PoSDXGkI90qXObu1HOxSpE308mJwLpSuiDg_U_wzA_zGT1fvmCg1GuOMbMBE5MLly6ikt8RkRVWzy7ry5OcGL35ludM2gRI50YzeRbcuGDWRJcTN_xA8lkS8rZ0BYmNO-6rAF9nIR5gWx5vnoGQZJ785ydSC_0sWWOGkco8hWTcgKww7HxsQRri-ONuMLoY3PJ7ZR-0yBhYdxJ9jWvDmRyRXyP66y4e9_jhZdW32VO2VHHqEAHsYH3g

I highly recommend reading this article on the premise that what humans are doing on this planet now is unsustainable—economically, environmentally, and politically.

https://medium.com/@franzallmayer_96499/we-are-in-the-uncharted-of-a-world-becoming-new-b335b5fc0a92

More articles will follow.

Thanks for participating in the discussion!

Christopher Hobbs, Ph.D.
Good afternoon June,

attached is a letter of my comments for tonight's special meeting item 6A 290682 (Establishing Administrative Penalties).

Thank you for your diligent work and adapting as our modern times require.

Essential,
Gabriel Quinn Maroney
From Iron Fist to a Golden Hand (6A 20-682)

 Probably one of the most seductive gestures in the human experience is to grant oneself power over others. To have your will sternly enforced and to control mass behavior as you see fit. These types of gestures are always justified with logic and reasonable explanations, still at the core is the fear that authority will be diminished. Because of this, for all practical purposes I should not waste anyone's time in attempts to convince the council to withdraw from any and all intentions to penalize the public related to the SARS-CoV-2 Health Mandate Order. I remain driven in this attempt, given what hangs in the balance.

I understand the compelling interest of saving lives and protecting health, yet establishing administrative penalties for violations of the Mendocino County Public Health Officers Orders pertaining to the COVID-19 Pandemic would be counterproductive means and not appropriately tailored for the current circumstance or threat level.

As I am sure you all realize, many of your constituents are deeply concerned with the precedent our state and county has set that now models more closely Communist China’s method compared to the targeted approach, regions like Taiwan and South Korea took deliberately not instituting a mandate and not shutting down their economies. These success stories show in comparison that beyond all our rhetoric and propaganda, the United States of America is not currently the, “shinny city upon a hill whose beacon light guides freedoms-loving people everywhere.”

Staff summary avers that these fines, “merely provides the City another tool,” yet when some reports projecting the possibility of higher percentage of unemployment than during the Great Depression (historically a 10 year global economic crisis), why would the City move forward to create even more economic burden on people and businesses? That would be the line at which the cure becomes more detrimental than the disease and this action should never become necessary. The City’s actions are already consistent with the counties policies and practices as the order states that, “the use of this Ordinance shall be at the sole discretion of the City, its officers, agents and employees.” I was surprised to discover that Police Chief Naulty supported establishing the Administrative Penalties as an additional means of enforcement, yet I understand he probably is looking at it as practical logistically as an alternative to using sworn officers who may be needed for higher priorities. Still when we say something is the last resort, and then make it more readily available as a potential action, it then become a more likely scenario.

City analysis acknowledges that, “most businesses and individuals within the City of Fort Bragg have and it is expected will continue to comply with the Shelter-in-Place Orders.” Please do not raise your iron fist against your citizens during a time of limited liberties and crumbling economies, and sky rocketing fear. May you extend golden hands of relief as you are instilled with faith that freedom loving people will take proper actions in these challenging times.

Thank you for your contemplation on this important matter. Essentially, Gabriel Quinn Maroney
This is Paul McCarthy down in Elk - but I “identify” as a taxpaying large downtown Fort Bragg property owner/resident so I have “standing” in order to tell you how to run your town.

I was going to thank the council for all the new, throbbing 5G cell power boosters being placed on every pole in town but will save it for a later date. What concerns me is that violations of the shelter-in-place ordinance do NOT go far enough.

People do not have the money to pay fines for any violation - so I propose authorizing the Fort Bragg Police be allowed to “horsewhip” adults and “spank” children for violations. It would certainly make a more lasting impression than any financial loss and give “hit them where it hurts” a new meaning.

Thank you for doing a fine job during this crisis.
COVID-19 Emergency Financial Report Number 1
AGENDA ITEM SUMMARY

TITLE:
COVID-19 Emergency Financial Report Number 1

ISSUE:
As the Community and City Council are acutely aware, we are in the midst of a global pandemic. Although the current emergency is primarily medical, there is also a financial component which we will all have to navigate and weather in the months to come.

The City’s usual budget process has been substantially disrupted with all departmental budget meetings cancelled. Instead, the budget will be developed via email. There is a chance that the annual budget workshop scheduled for May 14, 2020 will be conducted via teleconference and live streamed to the public rather than conducted in person. Further, due to the disruption, the budget document submitted in May might have to be simplified extensively compared to previous years’ budgets.

In light of the circumstances, staff feels it is useful to provide interim financial reports to the Community and the Council. City staff acknowledges and sympathizes with all members of the community who are already feeling the financial impact of the emergency or who will feel the impact in the near future. This report, however, is not intended to address the impacts to individuals or the local economy but rather will focus specifically on the finances of the City of Fort Bragg as a governmental organization. Further, this report will focus only on the General Fund with additional reports concerning the Water, Wastewater and CV Starr Enterprises to be prepared and delivered at a future date.

ANALYSIS:

Q4 FY 2019/20

We have all entered a period of extraordinary financial uncertainty. Due to the current emergency conditions, it has become very difficult to estimate future revenues and the likelihood of our best estimate ending up being wrong has increased many fold. Still, it is important for the City to choose an assumption and develop a budget even if conditions are almost certain to change.

Staff believes that the most severe impacts to the City will be felt in the fourth quarter of Fiscal Year 2019/2020. The most likely impacts will be in the form of revenue losses with the two most likely revenue sources to be impacted being Transient Occupancy Tax (TOT) and Sales & Use Tax. In previous years the City has collected upwards of $700k in TOT in the fourth quarter of the fiscal year. Staff is assuming a loss of more than half of that amount.
or approximately $360k. Staff is further assuming a loss of approximately $200k in Sales & Use tax. In total, staff is now assuming fourth quarter revenue losses of $560k. Once actual fourth quarter results have been tallied, this assumption very well may appear overly optimistic.

At the recently held Midyear budget review meeting, staff presented a likely year-end operating deficit of $78k. With the additional revenue losses outlined above, staff is now projecting a likely operating deficit of approximately $640k.

Staff has undertaken steps to offset the sizeable revenue losses with suspension of certain expenditures. Notably, travel and training will likely not occur in the current climate which will lead to savings. The largest savings however, will come at the expense of the Internal Service Funds. Suspended allocations and/or refunds from the ISFs to the General Fund are as follows:

- Facilities: $330,611
- IT: $169,427
- Fleet: $127,415

Each of the three Internal Service Funds has sufficient fund balance to absorb the outlined revenue losses and/or refunds in the short term. Of course, spending down the balances of the Internal Service Funds is not ideal and will lead to deferral of many maintenance items; it will, however, help the City get through these difficult financial times.

After taking into account revenue losses, staff is projecting General Fund revenues for FY 2019/20 in the amount of $9,017,094. Revenue losses have been offset by a reduction in funding for the Internal Service funds resulting in projected expenditures of $9,017,094.

**FY 2020/21 Assumptions and Outlook**

In light of the COVID-19 medical emergency, shelter in place orders have been issued throughout the world. This makes the prospect of a financial recession almost a certainty. The City’s sales tax consultant, Muni Services, provided City staff with the following three recession scenarios:

1. **Best Case:** “A temporary dip for about 3 to 4 months (over Q1 & Q2). Coronavirus is contained and stops expanding and the economy bounces back in Q3 (Calendar year). We should know more in the next month or so as to whether this is optimistic or not.”

2. **Middle of the Road:** “We may see a mini-recession where there is a temporary dip in sales tax activity for the next 3 to 6 months, coronavirus is halted, but we don’t really recover from the downturn and everything goes sluggish and flat for a year or two. There had been the prediction by some economists that we were heading for a flattening in a couple years anyway so we may just get there earlier than some predicted.”
3. **Worst Case:** “Coronavirus spreads and the recession already has begun (we should have indications of this over the next few but months, but we won’t really know the full impact for another 3-6 months) - we should see about a quarter of the impacts in the current year then most of the impacts next fiscal year. The markets seem to be predicting this scenario, but whether this is a panic or a presage remains to be seen. Also, it should be noted that each recession has its own characteristics and business sectors impacted so our ‘typical’ recession based on historic averages may or may not reflect what might happen in an upcoming recession.”

City staff has opted to use the “middle of the road” scenario in developing the FY 2020/21 budget. In this scenario revenues grow a sluggish 1% rather than the previously projected 2.5%. As with the 4th quarter of FY 2019/20 the primary revenue reductions are projected to be seen in TOT and Sales and Use tax. Total revenues are projected at $9.7M. The City’s appropriation request has yet to be fully developed but will attempt to balance with the projected revenues. Assuming this scenario, the City’s General Fund could possibly lose over 70% of its fund balance in the next five years.

An updated five-year projection has been attached to this report. The “what-if” scenarios continue to include a 3/8 cent sales tax. New scenarios include a permanent re-purposing of 45% of the Marketing & Promotions funds from Measure AA as well as each of the three recession scenarios outlined above.

**RECOMMENDED ACTION:**
None, this report is informational only.

**ALTERNATIVE ACTION(S):**
N/A.

**FISCAL IMPACT:**
See analysis.

**CONSISTENCY:**
N/A.

**GREENHOUSE GAS EMISSIONS IMPACT:**
N/A.

**IMPLEMENTATION/TIMEFRAMES:**
Additional emergency financial reports will be delivered as deemed necessary.

**ATTACHMENTS:**
High level 5-year projection

**NOTIFICATION:**
None.
## City of Fort Bragg General Fund Five Year Forecast

As of 03/31/2020

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<td>All Other Revenue Sources</td>
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<td><strong>Total Revenue</strong></td>
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<td><strong>Expenditures:</strong></td>
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<td>Personnel</td>
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<td>Other Expenditures</td>
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<td>$107,966</td>
<td>$35,895</td>
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<td>$177,391</td>
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<td>$184,727</td>
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<td>$147,569</td>
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<td>$37,966</td>
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<td><strong>Total Expenses</strong></td>
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<td>$7,003,074</td>
<td>$5,343,339</td>
<td>$6,346,121</td>
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<td><strong>Net Transfers:</strong></td>
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<tr>
<td><strong>Net Increase (Decrease) to Fund Balance</strong></td>
<td>$7,011,803</td>
<td>$7,004,747</td>
<td>$7,740,107</td>
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<td><strong>Beginning Fund Balance</strong></td>
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<td>$3,141,630</td>
<td>$3,140,758</td>
<td>$2,981,854</td>
<td>$2,725,640</td>
<td>$2,409,286</td>
<td>$1,965,274</td>
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<tr>
<td><strong>Ending Fund Balance</strong></td>
<td>$4,757,794</td>
<td>$5,388,498</td>
<td>$3,106,939</td>
<td>$2,959,478</td>
<td>$3,141,630</td>
<td>$3,140,758</td>
<td>$2,981,854</td>
<td>$2,725,640</td>
<td>$2,409,286</td>
<td>$1,965,274</td>
<td>$1,358,902</td>
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### 3/8 cent General Sales Tax

- **Revised change in fund balance assuming 37.5% of Sales Tax projection (Average $750k/yr)**
  - Projected fund balance: $19,021,478

### Measure AA Repurpose 45% of Marketing

- **Revised change in fund balance assuming 45% of Measure AA Marketing Funds (Average $108k/yr)**
  - Projected fund balance: $3,159,781

### Recession Scenario 1 (best case)

- **Revenue loss (Recession Reserve) assuming recession scenario 1**
  - With Measure AA Repurposing assuming 45% of Measure AA Marketing Funds
  - Revised change in fund balance: $107,101
  - Projected fund balance: $3,140,757

### Recession Scenario 2 (middle of the road)

- **Revenue loss (Recession Reserve) assuming recession scenario 2**
  - With Measure AA Repurposing assuming 45% of Measure AA Marketing Funds
  - Revised change in fund balance: $113,679
  - Projected fund balance: $3,140,757

### Recession Scenario 3 (worst case)

- **Revenue loss (Recession Reserve) assuming recession scenario 3**
  - With Measure AA Repurposing assuming 45% of Measure AA Marketing Funds
  - Revised change in fund balance: $227,458
  - Projected fund balance: $3,140,757
Impact of COVID-19 on the National Economy

- 41 States have ordered some portion of businesses to close
- 8 out of 10 counties in U.S. under lockdown orders
  - Those counties make up 96% of the national output
- U.S. Daily output down 29% from first week in March, 2020
- California daily loss of output is $2.8 billion or 31.5%
  - About 16% of the total U.S. loss of output
Impact of COVID-19 on the National Economy

- Estimated that 29% drop will be sustained two more months
- Most economist expect output to pick back up in summer/fall
- Comparison – Annual output fell 26% between 1929 and 1933
- Quarterly output fell almost 4% between late 2007 and mid-2009
- After September 11, 2001 in the days after the attack, output dropped an estimated $111 billion
- In the last 3 weeks U.S. output has fallen an estimated $350 billion
Impact of COVID-19 on the National Economy

- Estimated 10 million people filed for unemployment in the last two weeks of March
  - 6% of the labor force filed for unemployment up from .3% at the end of February

- Unemployment expected to exceed 10% in second quarter and GDP to fall by 7% (28% annualized rate)

- Delayed tax payments from extension of filing deadlines at local, county, state and federal levels will impact cash-flow for all governments
<table>
<thead>
<tr>
<th></th>
<th>FY 18-19 Actuals</th>
<th>FY 19-20 Budget</th>
<th>FY 19-20 Midterm Projection</th>
<th>FY 19-20 With Internal Service Fund Transfers</th>
<th>FY 19-20 Middle Case W/O Internal Service Fund Transfer</th>
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<td>Revenues</td>
<td>$9.4 M</td>
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<td>$9.6 M</td>
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### Fort Bragg Internal Service Funds

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<td>Facilities</td>
<td>$647,232</td>
<td>$249,645</td>
<td>$296,586</td>
<td>$521,415</td>
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<td>Technology Main &amp; Repair</td>
<td>$153,713</td>
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<td>Fleet &amp; Equipment Services</td>
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<td>$147,671</td>
<td>$236,481</td>
<td>$80,710</td>
</tr>
<tr>
<td><strong>Total Internal Service Funds Unrestricted Net Position</strong></td>
<td><strong>$1,255,764</strong></td>
<td><strong>$377,150</strong></td>
<td><strong>$360,416</strong></td>
<td><strong>$806,683</strong></td>
<td><strong>$804,167</strong></td>
<td><strong>$386,655</strong></td>
</tr>
</tbody>
</table>

*Internal service funds are used in governmental account to track goods or services shifted between departments on a cost reimbursement basis.*
## General Fund Fund Balance Comparison

<table>
<thead>
<tr>
<th>City</th>
<th>FY18-19 Revenues</th>
<th>FY18-19 Expenditures + Net Transfers</th>
<th>FY18-19 Total Fund Balance</th>
<th>FY 18-19 Fund Balance as Percent of Expenditures</th>
<th>FY 18-19 Committed &amp; Unassigned Fund Balance as Percent of Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Willits</td>
<td>$4.9 M</td>
<td>$5.4 M</td>
<td>$2.5 M</td>
<td>46%</td>
<td>46%</td>
</tr>
<tr>
<td>Fort Bragg</td>
<td>$9.4 M</td>
<td>$9.2 M</td>
<td>$3.1 M</td>
<td>34%</td>
<td>34%</td>
</tr>
<tr>
<td>Cloverdale</td>
<td>$6.9 M</td>
<td>$7.3 M</td>
<td>$3.4 M</td>
<td>48%</td>
<td>N/A</td>
</tr>
<tr>
<td>Sebastopol</td>
<td>$9.0 M</td>
<td>$9.0 M</td>
<td>$3.9 M</td>
<td>43%</td>
<td>43%</td>
</tr>
<tr>
<td>Lakeport</td>
<td>$5.9 M</td>
<td>$5.8 M</td>
<td>$4.1 M</td>
<td>70%</td>
<td>N/A</td>
</tr>
<tr>
<td>Arcata</td>
<td>$16.2 M</td>
<td>$16.2 M</td>
<td>$6.4 M</td>
<td>40%</td>
<td>40%</td>
</tr>
<tr>
<td>Ukiah</td>
<td>$21.3 M</td>
<td>$22.7 M</td>
<td>$8.8 M</td>
<td>39%</td>
<td>15%</td>
</tr>
<tr>
<td>Eureka</td>
<td>$13.7 M</td>
<td>$13.2 M</td>
<td>$8.9 M</td>
<td>67%</td>
<td>67%</td>
</tr>
</tbody>
</table>
Other Pressures on the FY 20-21 Budget

- Unknown long-term impact of Shutdowns
- Losses suffered by CalPERS will increase contributions for unfunded liability and current liabilities
- Increases in insurance costs, even before COVID-19
  - Liability and Property increases of 20-30%
  - Health Insurance increases of 14-18%
  - Workers Compensation increases of 20% plus
- Police Department Salaries
- City response to COVID-19 not likely to be fully reimbursed by State or Federal Governments
Council Questions & Direction
Reading the emergency financial report, seems to me that instead of using 45 percent of VFB promotional expenses is too little. Our public safety and critical employees and infrastructure are more important to fund. Given the hoards of people who escaped to the coast a few weeks back after the initial SIP orders were given I do believe that once we return to tourism based economies people will be visiting again, but that could take months or years. I recommend 100 percent be used for essentials. We will probably be pulling in less currently with the 12 percent TOT than when we had 10 percent.

If need be furlough non essential staff to save money now and protect our limited resources for the future.

As for the budget we need to look towards what we can afford instead of what we want to. I believe cutting now is essential to not having bigger cuts of essentials later.

Thank you for working so hard during these very challenging times. I cant wait to throw one heck of a block party when we can all gather safely.

Jenny Shattuck
Fort Bragg
Receive Report and Consider Establishing a COVID-19 Mortgage Assistance Program
AGENDA ITEM SUMMARY

TITLE:
Receive Report and Consider Establishing a COVID-19 Mortgage Assistance Program

ISSUE:
On March 30, 2020 the City adopted an Urgency Ordinance protecting tenants who are unable to pay rent as a result of the financial impacts of COVID-19. The Urgency Ordinance protects commercial and residential tenants from evictions through May 31, 2020, unless extended. While considering the moratorium on evictions and deferral of rent payments, Council directed staff to bring forward a Mortgage Relief Program to assist property owners who will not receive rental payments for April and May.

ANALYSIS:
Although not exhaustive, staff researched how other cities have enacted mortgage relief programs and did not find any examples outside of charitable foundations and private sector organizations. Most municipal programs are geared to helping tenants and those at risk of eviction. Cities that have enacted renter assistance as a result of the current economic crisis, appear to have experienced an overwhelming interest and were not able to meet the true need. That said, the manner in which renter assistance programs are implemented transfers well when considering how the City of Fort Bragg might implement a Mortgage Relief Program.

Potential Approaches

During this time of social distancing and the current Shelter-in-Place mandate, requests for financial assistance from property owners to help pay mortgages, would best be taken electronically. Depending on the approach, this could be a simple form demonstrating ownership and need or it could be a sophisticated questionnaire taking into account details such as an individual’s typical income, size of household, amount owed on principal, number of properties owned, whether there are pre-existing debts or back taxes owed, etc. Similarly, how these requests are processed could take several approaches, such as a lottery system or on a first come, first served basis.

Potential Participants

The national average of those residing in homes they own verses rent is: 64% owners to 36% renter occupied. In the City of Fort Bragg, this ratio is flipped: 36% owner occupied and 64% of homes are rented. For the sake of placing a number on how many property owners could potentially want to participate in a Mortgage Relief Program, staff used the number of households renting to determine potential participants with residential properties and the
number of existing commercial water meters for the number of commercial property owners.

<table>
<thead>
<tr>
<th>Potential Participants</th>
<th>Potential Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESIDENTIAL Property Investment</td>
<td>COMMERCIAL Property Investment</td>
</tr>
<tr>
<td>Number Residential Properties (1)</td>
<td>Number Commercial Properties (3)</td>
</tr>
<tr>
<td>1,803</td>
<td>363</td>
</tr>
<tr>
<td>Average Home Value (2)</td>
<td>Average Assessed Value (4)</td>
</tr>
<tr>
<td>$352k</td>
<td>$975k</td>
</tr>
<tr>
<td>Estimated Two Months Relief (5)</td>
<td>Two Months Relief (5)</td>
</tr>
<tr>
<td>$3,520</td>
<td>$9,750</td>
</tr>
<tr>
<td>Total</td>
<td>Total</td>
</tr>
<tr>
<td>$6.3M</td>
<td>$3.5M</td>
</tr>
</tbody>
</table>

**Estimated Total of Properties with Tenants: $9.8M**

Source:
2. California Department of Housing and Community Development
3. City of Fort Bragg, Finance Department, Water Consumption and Fees by Type of Use, 2019
4. Mendocino County Assessor’s Office
5. Based on a ratio of 6% Capitalization Rate for Estimated/Assessed value.

Of course it is unlikely that all property owners with tenants would seek mortgage relief funds through such a program. The Table below illustrates usage rate scenarios to provide a better idea of the amount of funds that might be necessary to successfully implement a Mortgage Relief Program.

<table>
<thead>
<tr>
<th>Program Usage Rates Scenarios</th>
<th>5%</th>
<th>15%</th>
<th>25%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Dollar Value of Potential</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Participants</td>
<td>$490k</td>
<td>$1.47M</td>
<td>$2.45M</td>
</tr>
</tbody>
</table>

**Fiscal Impact**

There is currently $23k available in City Council’s special project fund. The City’s Unassigned General Fund fund balance is approximately $625k. The City is experiencing a dramatic loss of revenue as a result of the COVID-19 pandemic and the long-term financial impact is uncertain. Federal relief money has been given to States, but there is no directive attached that States need to allocate money to cities with less than 500,000 people. Sales tax and Transient Occupancy Tax (TOT) make up 48% of the City’s General Fund revenue. Both sources have been dramatically impacted by the COVID-19 pandemic and are not expected to rebound until after businesses reopen. Further, on April 2, 2020 Governor Newsom announced that businesses with under $5 million in annual taxable sales can take advantage of a 12-month, interest free payment plan of up to $50,000. This will delay the already reduced sales tax revenue payments to the City.
Existing Financial Assistance to Property Owners

The Federal Government has passed three bills in response to COVID-19 and more are expected:
- Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020
- Families First Coronavirus Response (FFCR) Act
- The Coronavirus Aid, Relief, And Economic Security (CARES) Act

This legislation includes protections against foreclosure and provides low interest loans for small business owners (rental/investment property is considered a business). Governor Newsom enacted additional protections for homeowners by negotiating an agreement with four of the nation’s top banks to provide a 90-day grace period for mortgage payments, with no negative credit impact. There is no income limitation on the Governor’s Mortgage Relief program.

RECOMMENDED ACTION:
Direct staff to look for alternative ways to assist the business community in Fort Bragg.

ALTERNATIVE ACTION(S):
Provide staff guidance on developing and implementing a Mortgage Relief Program for property owners and provide direction to staff.

FISCAL IMPACT:
There will likely be long-term fiscal impacts to individuals, the City, State, Country and World as a result of COVID-19. The fiscal impacts of implementing a Mortgage Relief Program is discussed at length in this report.

GREENHOUSE GAS EMISSIONS IMPACT:
It is unlikely that greenhouse gas emissions would be impacted by implementing a Mortgage Relief Program.

CONSISTENCY:
N/A

IMPLEMENTATION/TIMEFRAMES:
If implemented, a Mortgage Relief Program could be implemented within two-week time.

ATTACHMENTS:
N/A

NOTIFICATION:
1. Affordable Housing, Notify Me subscriber list
2. Homeless, Notify Me subscriber list
3. Economic Development Planning, Notify Me subscriber list
Lemos, June

From: Jenny Shattuck <jenxvann@yahoo.com>
Sent: Monday, April 6, 2020 12:03 PM
To: Lemos, June
Subject: Public comment 6C

Regarding mortgage relief program, no other city is dipping into their small local resources to bail out landlords. There are programs currently including disaster loans and orders from Governor to stop foreclosures and suspend mortgage payments. Also the federal Government provided mortgage relief. How with such a limited amount, of 23k, can we possibly be fair and choose who this would fund?
I believe we would be better off saving it for next years budget or emergency essentials that may come up in near future.

Thank you for your time,
Jenny Shattuck
Fort Bragg
Updates, Discussion and Assignments for the City Council COVID-19 Ad Hoc Committee
AGENDA ITEM SUMMARY

TITLE:
Updates, Discussion and Assignments for the City Council COVID-19 Ad Hoc Committee

This will be a discussion item presented by the City Council COVID-19 Ad Hoc Committee
<table>
<thead>
<tr>
<th>Identified Service</th>
<th>Action Steps</th>
<th>Council Member Assigned</th>
<th>Staff Member Assisting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Infrastructure - Groceries</td>
<td>Dialogue with Harvest Market(s), Safeway, Purity and other small markets</td>
<td>Jessica Morsell-Haye</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tess Albin-Smith</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Lindy Peters</td>
<td></td>
</tr>
<tr>
<td>Healthcare</td>
<td>Dialogue with hospital and clinic to identify needed support</td>
<td>Will Lee</td>
<td>Tabatha Miller</td>
</tr>
<tr>
<td>Childcare</td>
<td>Poll childcare facilities to ensure essential workers have access</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Schools</td>
<td>On-line education, lunch program, teachers.</td>
<td>Bernie Norvell</td>
<td>Tabatha Miller John Naulty</td>
</tr>
<tr>
<td>Small Business Support</td>
<td>Dialogue with West Company and Community First Credit Union to strategize SBA outreach and assistance</td>
<td>Tabatha Miller</td>
<td>Sarah McCormick Isaac Whippy</td>
</tr>
<tr>
<td>Senior Advocacy</td>
<td>Dialogue with Redwood Coast Senior Center: meals and delivery, transportation, mental health</td>
<td>Tess Albin-Smith</td>
<td>Lindy Peters</td>
</tr>
<tr>
<td>Hispanic Outreach</td>
<td>Identify Spanish speaking advocate to understand needs</td>
<td>Bernie Norvell</td>
<td>Sandy Arellano Cristal Munoz Mateo Ortiz</td>
</tr>
<tr>
<td>Homeless Services</td>
<td>Dialogue with Mendocino Coast Hospitality Center, Mendocino County Health Services and Continuum of Care</td>
<td>Jessica Morsell-Haye</td>
<td>Tabatha Miller</td>
</tr>
<tr>
<td>Volunteer Network</td>
<td>Create network of Volunteer opportunities to support identified essential services</td>
<td>Will Lee</td>
<td>Sarah McCormick</td>
</tr>
<tr>
<td>Mental Health</td>
<td>Dialogue with Mendocino County Behavioral Health (Warm Line, Crisis Line, Suicide Prevention Hotline)</td>
<td>Tess Albin-Smith</td>
<td></td>
</tr>
<tr>
<td>Information Consolidation</td>
<td>Identify key groups working on the Covid-19 response.</td>
<td></td>
<td>City Staff</td>
</tr>
</tbody>
</table>