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 agenda are restricted to electronic, written and voice mail communications. Comments may be made in any of the following ways: (1) Through the City’s online eComment agenda feature, (2) Emailed to City Clerk June Lemos, jlemos@fortbragg.com, (3) Written comments delivered through the drop-box for utility payments to the right of the front door at City Hall, 416 N. Franklin Street, or (4) Voice mail comments called in to (707) 961-1694 by 5:00 PM on the day of the meeting.

Comments can be made at any time prior to the meeting, in real-time while the item is being considered by the Council, and up to 12 PM on Tuesday, May 12, 2020. The Clerk will read aloud all comments received prior to or during the meeting. Any comment on agendized matters exceeding three minutes and those received after the meeting will be included in the public record as part of the agenda packet the next business day after the meeting.

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

AGENDA REVIEW

1. MAYOR’S RECOGNITIONS AND ANNOUNCEMENTS

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

4. MATTERS FROM COUNCILMEMBERS

5. CONSENT CALENDAR

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

5A. 20-723 Adopt City Council Resolution Approving Budget Amendment No. 2020-09 for Fiscal Year 2019-20

Attachments:  
Att 1 - RESO USDA Budget Amendment 2020-09  
Att 2 - Original Resolution No. 4205-2019

5B. 20-722 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. 20-711 Approve Minutes of Special Meeting of April 20, 2020

Attachments: CCM2020-04-20_Special

5D. 20-717 Approve Minutes of Special City Council Closed Session of April 27, 2020

Attachments: CCM2020-04-27_Special_Closed

5E. 20-728 Adopt City Council Resolution Establishing Business Hours for the City of Fort Bragg

Attachments: RESO Establishing Business Hours

6. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

7. PUBLIC HEARING

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

7A. 20-718 Receive Report, Conduct Public Hearing and Provide Direction to Staff Regarding 2020 Community Development Block Grant Program Competitive Applications

Attachments: 05112020 2020 CDBG Competitive Application Direction  
Att 1 - PH Notice 2020 CDBG Application  
Att 2 - PH Notice 2020 CDBG Application Spanish  
Att 3 - Appendix L CDBG 2020 Scoring Criteria  
Public Comment 7A
8. CONDUCT OF BUSINESS

8A. **20-724**  
Receive Report and Consider Adoption of City Council Resolution Approving Submittal of a BUILD grant on behalf of the Mendocino Railway / California Western Railroad / Skunk Train (Skunk Train) to Fund the Following Activities: Repair of Tunnel #1, Repair of the Noyo Canyon Train Tracks, Repair of the Engine House, and Various Maintenance and Safety Improvements

*Attachments:* 05112020 Mendo Rail BUILD Grant Application
Resolution
Public Comment 8A

8B. **20-726**  
Updates and Discussion from the City Council COVID-19 Ad Hoc Committee

*Attachments:* 05112020 Ad Hoc Committee Report

8C. **20-725**  
City Council Discussion on Reopening Local Businesses

*Attachments:* 05112020 Reopening Business Discussion
Public Comments 8C

8D. **20-721**  
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:* 05112020 Urgency Ordinance Admin Penalties
Att 2: ORD 961-2020 Redline Version
Att 1: ORD 961-2020 Admin Penalties
Public Comment 8D

9. CLOSED SESSION

ADJOURNMENT

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

NEXT REGULAR CITY COUNCIL MEETING:
6:00 P.M., TUESDAY, MAY 26, 2020
I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this amended agenda to be posted in the City Hall notice case on May 8, 2020.

June Lemos, CMC
City Clerk

NOTICE TO THE PUBLIC:

ADA NOTICE PROVISIONS:

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

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

This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).
Adopt City Council Resolution Approving Budget Amendment No. 2020-09 for Fiscal Year 2019-20

The City Council adopted Resolution No. 4205-2019 on October 15, 2019, approving an application for funding and execution of agreement and any amendments thereto from the United States Department of Agriculture (USDA) Community Facilities Grant Program to satisfy one of the priorities identified in the FY 2019/20 budget as shown in the Vehicle Replacement Plan for the Public Works Department for the replacement of one Vactor truck. It is required that the Grantee (City of Fort Bragg) match 45% of the project cost of which $420,000 has been identified in the budget for FY 2019/20, reflecting a $271,237.14 Grantee contribution match. It is necessary to transfer these funds from fund 332-5056-3336 to fund 522-4550-0742 of the Fiscal Year 2019/20 budget to match United States Department of Agriculture's Community Facilities Grant Program requirements.
RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING BUDGET AMENDMENT NO. 2020-09 FOR FISCAL YEAR 2019-20

WHEREAS, the United States Department of Agriculture (USDA) administers a grant program that provides funding to develop essential community facilities which provide an essential service for the orderly development of the community; and

WHEREAS, the Fort Bragg City Council approved City of Fort Bragg Budget for FY 2019/20 on June 10, 2019 which included the replacement of one Vactor Truck as identified on the Vehicle Replacement Plan for FY 2022/23 of which $420,000 was allocated as such; and

WHEREAS, the Fort Bragg City Council approved a USDA Community Facilities Grant Program application to purchase one fully-equipped Vactor Truck on October 15, 2019 and such application was approved by the USDA; and

WHEREAS, the grant requires a 45% match to cover the total vehicle cost of $602,749.20 of which $271,249.20 is the needed City’s contribution amount; and

WHEREAS, the USDA received, reviewed and accepted the Community Facilities Grant application including all the evidence presented, and awarded the monies to the City of Fort Bragg; and

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

1. This will provide a usable tool for members of the Fort Bragg Public Works Department.
2. This will increase the efficiency of the work being performed when using the Vactor Truck and increase the safety to the Public Works staff when using the truck.
3. This will satisfy a priority identified in the City of Fort Bragg’s Budget for FY 2019/20 to replace one Vactor Truck.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby approve FY 2019-20 Budget Amendment No. 2020-09 for the transfer of $271,249.20 from fund 332-5056-3336 to fund 522-4550-0742 to match the USDA’s Community Facilities Grant Program amount.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the USDA agreement and any amendments thereto in connection with the Community Facilities Grant Program.

The above and foregoing Resolution was introduced by Councilmember __________, seconded by Councilmember ________________, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 11th day of May, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:
WILLIAM V. LEE
Mayor

ATTEST:

June Lemos, CMC
City Clerk
RESOLUTION NO. 4205-2019

RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING APPLICATION FOR FUNDING AND EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE'S COMMUNITY FACILITY GRANT PROGRAM

WHEREAS, the United States Department of Agriculture (USDA) administers a grant program that provides funding to develop essential community facilities, these are facilities that provide an essential service to the local community for the orderly development of the community; and

WHEREAS, the Fort Bragg City Council approved City of Fort Bragg Budget for FY 2019/20 on June 10, 2019 which included the replacement of one Vactor Truck as identified on the Vehicle Replacement Plan; and

WHEREAS, the grant requires 45% match of which $420,000 was identified in the Vehicle Replacement Plan budget for FY 2019/20 of which $271,237.14 is needed; and

WHEREAS, this Vactor Truck is eligible under the USDA Community Facility Grant Program; and

WHEREAS, based on all the evidence presented, the City Council finds as follows:
1. This will provide a usable tool for members of the Fort Bragg Public Works Department.
2. This will increase the efficiency of the work being performed when using the Vactor Truck and increase the safety to the Public Works staff when using the truck.
3. This will satisfy a priority identified in the City of Fort Bragg's Budget for FY 2019/20 to replace one Vactor Truck.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby approve a United States Department of Agriculture's Community Facility Grant Program application to purchase one fully equipped Vactor Truck (match amount not to exceed $271,237.14).

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the USDA agreement and any amendments thereto in connection with the Community Facility Grant Program.

The above and foregoing Resolution was introduced by Councilmember Peters, seconded by Councilmember Albin-Smith, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 15th day of October, 2019, by the following vote:

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

ATTEST:

June Lemos, CMC
City Clerk

JESSICA MORSELL-HAYE
Mayor Pro Tem
Adopt City Council Resolution Confirming the Continued Existence of a Local Emergency in the City of Fort Bragg

At a special meeting on March 24, 2020, the Fort Bragg City Council ratified the City Manager’s Proclamation declaring a local emergency due to COVID-19 in its Resolution No. 4242-2020. On April 6, 2020, the City Council adopted Resolution No. 4245-2020 by which it continued the local emergency. On April 20, 2020, the City Council adopted Resolution No. 4247-2020 again confirming the continued local emergency. The 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;

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

WHEREAS, at a special meeting on April 20, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4247-2020 by which it continued the local emergency;
NOW, THEREFORE, BE IT RESOLVED AND PROCLAIMED by the City Council of the City of Fort Bragg that for reasons set forth herein, said local emergency shall be deemed to continue to exist until the City Council of the City of Fort Bragg, State of California, proclaims its termination; and

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

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

The above and foregoing Resolution was introduced by Councilmember __________, seconded by Councilmember __________, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 11th day of May, 2020, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSED:  

__________________________
WILLIAM V. LEE
Mayor

ATTEST:

__________________________
June Lemos, CMC
City Clerk
Approve Minutes of Special Meeting of April 20, 2020
City of Fort Bragg

Meeting Minutes
Special City Council

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

Monday, April 20, 2020  6:00 PM  Town Hall, 363 N Main Street

Special Meeting

CALL TO ORDER

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

ROLL CALL

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

AGENDA REVIEW

1. MAYOR’S RECOGNITIONS AND ANNOUNCEMENTS

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

   The City Clerk read public comments into the record as follows:

   (1) Non-Agenda Items:
   • Annemarie Weibel submitted comments in opposition to 5G wireless infrastructure.
   • Vicky Bratton asked if the City will require businesses to post the County's mandatory mask order and how it will be enforced.
   • Gabriel Maroney said not to forget to smell the flowers.

   (2) Consent Calendar Items:
   • Gabriel Maroney commented on Items 5A and 5D.

   (3) Closed Session Items:
   • Fort Bragg Employees Organization SEIU Local 1021 commented on Item 7A and urged the Council to take time to make thoughtful decisions about how to proceed to address the projected budget shortfall.
   • Jacob Patterson supported the City's taking a stake in the housing development being discussed under Item 7C.

3. STAFF COMMENTS

   City Manager Miller provided an informational report on the landlord assistance program fund and application process. Public Works Director Varga reported that the 2019 Streets Rehabilitation Project is closing and came in $50,000 under budget.
4. MATTERS FROM COUNCILMEMBERS

Vice Mayor Norvell reported on the recent Homeless Ad Hoc Committee meetings. Councilmember Albin-Smith reported on a webinar regarding small businesses. Councilmember Morsell-Haye said the CV Starr Ad Hoc Committee held a meeting regarding current operations and measures to reduce costs. She recommended small business owners contact West Company who has the most up-to-date information regarding public assistance to small businesses. Councilmember Peters reported that his public outreach video interviews are available on Mendocino Coast Media. He further commented on wastewater testing for COVID-19; how to inform the public about the County order concerning masks; people seem to be complying with regulations on the Coastal Trail; and the Finance and Administration Committee is willing to meet with staff if they feel it would be helpful during budget cut discussions. Mayor Lee gave a brief status report on the Mendocino Coast District Hospital’s messaging outreach on KOZT Radio. He reported that the hospital has received information that Fort Bragg might be able to participate in a UCSF offer for COVID-19 testing of vulnerable populations and front-line workers.

5. CONSENT CALENDAR

Councilmember Albin-Smith requested that Item 5C be removed from the Consent Calendar for further explanation and discussion.

Approval of the Consent Calendar

A motion was made by Vice Mayor Norvell, seconded by Councilmember Peters, to approve the Consent Calendar with the exception of Item 5C. The motion carried by the following vote:

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

5A. 20-710 Approve City Council Letter in Support of H.R. 6467, the Coronavirus Community Relief Act

This Council Letter was approved on the Consent Calendar.


This Council Letter was approved on the Consent Calendar.

5D. 20-698 Adopt City Council Resolution Confirming the Continued Existence of a Local Emergency in the City of Fort Bragg

This Resolution was adopted on the Consent Calendar.

Enactment No: RES 4247-2020

5E. 20-699 Approve Minutes of Special Meeting of April 13, 2020
ITEMS REMOVED FROM CONSENT CALENDAR

5C. 20-703 Adopt City Council Resolution Approving an Amendment to the Joint Powers Agreement of the Mendocino Council of Governments to Add Housing Matters as a Specific Power

Councilmember Albin-Smith explained that this was an amendment to the Joint Powers Agreement that will include language regarding housing to allow Mendocino Council of Governments to apply for a Regional Early Action Planning grant.

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

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

Enactment No: RES 4246-2020

6. CONDUCT OF BUSINESS

6A. 20-689 Receive Report and Consider Adoption of City Council Resolution Approving Professional Services Agreement with LACO Associates for the Pudding Creek Water Main Relocation Project Design Engineering, City Project WTR-00014, and Authorize City Manager to Execute Contract (Amount Not to Exceed $114,000; from Water Enterprise Capital Reserve Fund 615)

Public Works Director Varga presented the staff report on this agenda item and responded to questions from Council.

Public Comment from Annemarie Weibel was read into the record by the City Clerk.

Discussion: After a brief discussion, the Council agreed that the City should move forward with the LACO contract and the design of this project.

A motion was made by Vice Mayor Norvell, seconded by Councilmember Morsell-Haye, that this Resolution be adopted. 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: RES 4248-2020

6B. 20-708 Updated Staff Presentation of Fort Bragg's Financial Report and Projections

City Manager Miller presented the staff report on this agenda item and responded to questions from Council.

Public Comment from Jenny Shattuck was read into the record by the City Clerk.

Discussion was held regarding use of Measure AA/AB funds, how layoffs and furloughs of staff would impact services to the community, the spending down of reserves, and the
potential impact that COVID-19 will have on the economy.

This Staff Report was informational only and not acted on.

7. CLOSED SESSION

Mayor Lee recessed the meeting at 7:47 PM; the meeting reconvened to Closed Session at 8:00 PM.

7A. 20-701

CONFERENCE WITH LABOR NEGOTIATORS: Pursuant to Government Code Section 54957.6: City Negotiator: Tabatha Miller, City Manager; Employee Organizations: Fort Bragg Employee Organization; Confidential Non-Bargaining Classifications; Exempt At-Will Executive Classifications; and Exempt Mid-Management Classifications

7B. 20-700

CONFERENCE WITH LABOR NEGOTIATORS: Pursuant to Government Code Section 54957.6: City Negotiator: William V. Lee, Mayor. Employee Classification: City Manager

7C. 20-704

CONFERENCE WITH REAL PROPERTY NEGOTIATORS FOR POSSIBLE ACQUISITION OF REAL PROPERTY, Pursuant to Government Code Section §54956.8: Real Property: APN 018-340-04, 018-340-07-00, 018-340-06, 441 South Street, Fort Bragg, CA 95437; City Negotiator: Tabatha Miller, City Manager; Negotiating Party: Danco Communities, Chris Dart; Under Negotiation: Terms of Acquisition

Mayor Lee reconvened the meeting to Open Session at 8:53 PM and reported as follows:

7B. The Council agreed to amend the City Manager’s contract to increase the cap on vacation leave accrual from 360 hours to 500 hours.

7C. The Council directed staff to work with the Mendocino County Continuum of Care, Danco Communities and the current property owners of 441 South Street to secure the land for future affordable housing projects.

ADJOURNMENT

Mayor Lee adjourned the meeting at 8:53 PM.

__________________________________________
WILLIAM V. LEE, MAYOR

__________________________________________
June Lemos, CMC, City Clerk

IMAGED (____________)
Approve Minutes of Special City Council Closed Session of April 27, 2020
CALL TO ORDER

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

ROLL CALL

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

1. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

None.

2. CLOSED SESSION

Mayor Lee recessed the meeting at 6:02 PM; the meeting reconvened to Closed Session at 6:08 PM.

2A. 20-712  CONFERENCE WITH LABOR NEGOTIATORS: Pursuant to Government Code Section 54957.6: City Negotiator: William V. Lee, Mayor. Employee Classification: City Manager

2B. 20-713  CONFERENCE WITH LABOR NEGOTIATORS: Pursuant to Government Code Section 54957.6: City Negotiator: Tabatha Miller, City Manager; Employee Organizations: Fort Bragg Employee Organization; Confidential Non-Bargaining Classifications; Exempt At-Will Executive Classifications; and Exempt Mid-Management Classifications

2C. 20-714  CONFERENCE WITH REAL PROPERTY NEGOTIATORS FOR POSSIBLE ACQUISITION OF REAL PROPERTY, Pursuant to Government Code Section §54956.8: Real Property: APN 018-340-04, 018-340-07-00, 018-340-06, 441 South Street, Fort Bragg, CA 95437; City Negotiator: Tabatha Miller, City Manager; Negotiating Party: Danco Communities, Chris Dart; Under Negotiation: Terms of Acquisition

2D. 20-716  THREAT TO PUBLIC SERVICES OR FACILITIES: Pursuant to Government Code Section 54957: Agency Representative: Tabatha Miller,
City Manager

Mayor Lee reconvened the meeting to Open Session at 8:05 PM and reported that the City Council directed the City Manager to reduce annual General Fund Expenditures by $1.4 million, with the understanding that most of those reductions would be directed at staffing levels.

ADJOURNMENT

Mayor Lee adjourned the meeting at 8:05 PM.

_______________________________
WILLIAM V. LEE, MAYOR

_______________________________
June Lemos, CMC, City Clerk

IMAGED (___________)
**Agenda Date:** 5/11/2020

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 5E.

Adopt City Council Resolution Establishing Business Hours for the City of Fort Bragg

With staff hours reduced due to the economic effects of the Coronavirus pandemic, the City needs to shorten the hours it is available to the public each week by closing on Fridays. Adoption of the Resolution will establish new business hours for City Hall and the Police Department to Monday through Thursday, 9:00 AM to 5:00 PM, closed on Fridays and holidays.
RESOLUTION NO. ___-2020

RESOLUTION OF THE FORT BRAGG CITY COUNCIL
ESTABLISHING BUSINESS HOURS FOR
THE CITY OF FORT BRAGG

WHEREAS, the current business hours for Fort Bragg City Hall and the Fort Bragg Police Department are 9:00 AM to 5:00 PM, Monday through Friday, excluding holidays; and

WHEREAS, the lobbies at City Hall and the Police Department are currently closed until further notice under state and county public health orders due to COVID-19; and

WHEREAS, due to limited financial and personnel resources, the City Council finds it necessary to prescribe the business hours for City Hall, 416 N. Franklin Street, and the Police Department, 215 E. Cypress Street, once these facilities have reopened; and

WHEREAS, when these public facilities are once again opened for business, the Council determines that the hours shall be limited to Monday through Thursday only, excluding holidays, and closed on Fridays;

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

1. The business hours for Fort Bragg City Hall and Fort Bragg Police Department shall be 9:00 AM to 5:00 PM, Monday through Thursday (closed from 12:30 to 1:30 PM), and closed Fridays and holidays, effective the week of May 11, 2020, or at such time as the shelter-in-place orders have been lifted;

2. The signage on City Hall and the Police Department shall be updated to reflect the new hours of operation.

The above and foregoing Resolution was introduced by Councilmember __________, seconded by Councilmember __________, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 11th day of May, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

______________________________
WILLIAM V. LEE
Mayor

ATTEST:

______________________________
June Lemos, CMC
City Clerk
Receive Report, Conduct Public Hearing and Provide Direction to Staff Regarding 2020 Community Development Block Grant Program Competitive Applications
AGENDA ITEM SUMMARY

TITLE:
Receive Report, Conduct Public Hearing and Provide Direction to Staff Regarding 2020 Community Development Block Grant (CDBG) Program Competitive Applications

ISSUE:
On March 9, 2020, staff reported to City Council regarding the 2019-20 Community Development Block Grant (CDBG) Notice of Funding Availability (NOFA), which was released on January 21, 2020. At that meeting Council provided direction for five activities to be included in the current round of competitive applications. Due to COVID-19, 2020 CDBG competitive applications are now due June 1, 2020. At this time, staff seeks Council’s direction on priority activities since COVID-19 pandemic, for the 2020 CDBG grant cycle under the NOFA. The City of Fort Bragg is eligible to apply for five competitive activities in addition to the one over-the-counter (OTC) application (Water Meter Replacement Project) already submitted, during the 2020 NOFA cycle.

As required by the CDBG program, staff conducted a Design Phase hearing on November 21, 2019, to solicit community input and to assess needs for 2020 CDBG applications. Staff also requested and reviewed City priorities for CDBG funding. Based on the Design Phase hearing and activities proposed by City departments, a list has been prepared identifying several potential activities for the 2020 NOFA applications. Staff analyzed the potential grant activities to estimate likelihood of award and to assist City Council in determining the best strategy for applying for funding under this and future NOFAs.

Six activities may be applied for in the NOFA for a maximum application amount of $3.5 million for Community Development activities and $6 million for Economic Development activities. Following the approval of Resolution No. 4233-2020 approving application of $2.9 million dollars for the Water Meter Replacement Project, $555,635 is available for Community Development activity applications and $6 million is available for Economic Development activity applications. However, the City is eligible to seek a maximum of $1,250,000 of Economic Development funds as explained in detail below.

After the applications are prepared and before they are submitted to CDBG, City Council must approve an application resolution.

ANALYSIS:
The State CDBG program now provides funding on a competitive and OTC basis for a variety of housing, community development, and economic development activities. State CDBG funding is available for “non-entitlement” cities with fewer than 50,000 residents and counties.
with fewer than 200,000 residents. The City of Fort Bragg is a non-entitlement city and is generally eligible to apply for CDBG funding under the State CDBG program.

When the Department of Housing and Community Development (HCD) receives a State CDBG funding allocation from HUD, the State program may combine current HUD funding with other available State funding and is required to release an annual Notice of Funding Availability (NOFA) to state the terms under which non-entitlement communities may apply for the funding. The NOFAs describe total available funding, eligible activities, eligibility requirements, and application procedures. Each eligible jurisdiction may apply for a range of activities depending upon limits imposed by each annual NOFA. For the 2019-20 NOFA, HCD has published that $60 million is available for State CDBG applications.

**2019-20 NOFA**

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

- Online application submission and management tool;
- Addition of an Over-the-Counter application process for all capital construction projects;
- Various funding limits for each application;
- Six different applications with varying submission dates and deadlines.

The 2020 NOFA provides approximately $60 million ($30 million in 2019 funds and $30 million in 2020 funds) in CDBG Program funds, allocated as follows:

- Approximately $18 million (30%) in Economic Development (ED) activities ($5.4 for Competitive programs and $12.6 for ED Over-the-Counter (OTC) projects);
- Approximately $30.6 million (51%) for Housing and housing related infrastructure ($5.5 for Competitive programs and $25.1 million in OTC activities);
- Approximately $6 million (5%) for Colonias, defined as distressed, non-entitlement jurisdictions within 150 miles of the California-Mexico border. Fort Bragg is not eligible for this allocation;
- Approximately $750,000 Non federally-recognized tribes;
- Approximately $6 million will be available for planning activities;
- 15% of each allocation is available for Public Services;
- Each application is allowed up to 7% for administration.

**Application Elements and Agreements**

Each jurisdiction may submit up to six applications with one activity per application. Each application will have its own budget, National Objective, scope of work and timeline. All CDBG activities must meet one of three National Objectives, including (1) benefit to low-and-moderate income persons; or (2) prevention of elimination of slums and blight; or (3) urgent need. The most commonly used National Objective is benefit to low-and-moderate-income persons or households (LMI). The LMI household income thresholds are calculated
and published by the U.S. Department of Housing and Urban Development (HUD) annually. Additionally, HUD created a mapping tool using the 2011-2015 American Community Survey data to assist jurisdiction when calculating LMI for application purposes.

For each potential activity the following threshold requirements must be met before application:

1. Non-entitlement City or County;
2. Submission of eligible activity;
3. Activity must meet a National Objective;
4. Demonstrate compliance with federal financial management (single audit, etc.);
5. Federal Citizen Participation Requirements;
6. Housing Element Certification;
7. Good Standing with the Department of Housing and Community Development;
8. State Objective 1 and State Objective 2;

The City meets these requirements for the outlined potential activities.

Each application or activity will have its own award and Standard Agreement (up to six for the 2020 NOFA cycle). In past years, a jurisdiction would only have one Standard Agreement that included all activities that were awarded.

Scoring

After threshold requirements are met, Competitive Applications will be scored for two components. First, the Needs Score will be reviewed. This is a set score given to each jurisdiction with a different score for each activity type. HCD has set these scores, below are the City of Fort Bragg’s scores for each activity:

**Homebuyer Assistance, 78/100**
* The City would be competing with 40 of the 199 jurisdictions. The City does not qualify for this program at this time.

**Owner-Occupied Rehabilitation Assistance, 34/100**
* The City is not competitive for this program.

**Public Services, 80/100**
* The City would be competing with 63 of the 199 jurisdictions. No Public Service has been identified for the 2020 NOFA at this time.

**Code Enforcement, 80/100**
* The City would be competing with as many as 63 of the 199 jurisdictions. The City does not have a dedicated code enforcement officer and can show need, readiness and capacity.

**Planning, 80/100**
* The City would be competing with as many as 63 of the 199 jurisdictions. The City can show need, readiness, and capacity.
Economic Development 320/400

* The City would be competing with as many as 63 of the 199 jurisdictions. Economic Development funds are generally available and awarded to eligible activities.

Second, Activity Readiness will be reviewed and scored. The maximum scores for readiness have been published (see Attachment 3, Appendix L). Before application submission, staff will review each selected activity’s readiness and prepare each activity with the intent to obtain the maximum score available.

**Funding Limits**

Activities and funding limits for the 2019-20 CDBG Applications are summarized in the table below. Note that Program Income is not included in these limits. Projected Program Income can be added to an activity, which may exceed the limits.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Housing Activities:</strong></td>
<td></td>
</tr>
<tr>
<td>Program: Single-Family Housing Rehab, Homeownership Assistance</td>
<td>Up to $1,000,000</td>
</tr>
<tr>
<td>Project*: Multifamily Rental (5 or more units), Rehabilitation with or without acquisition, Public Improvements in Support of Housing</td>
<td>Up to $3,500,000</td>
</tr>
<tr>
<td>Project*: Acquisition of Multifamily Housing</td>
<td>Up to $1,000,000</td>
</tr>
<tr>
<td><strong>Non Housing Community Development:</strong></td>
<td></td>
</tr>
<tr>
<td>Project*: Capital Improvements, Public Facility Planning: Project Predevelopment</td>
<td>Up to $3,500,000</td>
</tr>
<tr>
<td>Program: Public Services</td>
<td>Up to $500,000</td>
</tr>
<tr>
<td>Program: Planning and Technical Assistance</td>
<td>Up to $250,000</td>
</tr>
<tr>
<td><strong>Economic Development Activities:</strong></td>
<td></td>
</tr>
<tr>
<td>Program: Business Assistance Loan Program</td>
<td>$750,000</td>
</tr>
<tr>
<td>Program: Micro-Enterprise Technical Assistance</td>
<td>$500,000</td>
</tr>
<tr>
<td>Project*: Public Infrastructure In Support of Business, Commercial Industrial Building Acquisition, Construction, Rehabilitation or other improvements</td>
<td>$6,000,000</td>
</tr>
</tbody>
</table>

* Over-the-Counter Projects must be Bid Ready at time of application.

The funding limits outlined do not include Program Income. Program Income is the funding the City receives as CDBG loans for housing rehabilitation or business loans are repaid to the City. Jurisdictions must spend Program Income on an identified and approved CDBG eligible activity. One way to spend Program Income is to apply it to an activity during application. Any Program Income applied to an activity is not included in the funding limit.
(i.e. Planning Activity 1 is $250,000 of grant funding and $100,000 of Program Income; the planning activity total is $350,000). The City projects that $231,000 of Program Income will be received during the grant term.

**Potential Application Activities**

On November 21, 2019, staff held a Design Phase public hearing to discuss the 2020 CDBG funding opportunities. The meeting notice was published in the Fort Bragg Advocate, posted in English and Spanish at many different physical locations, announced on the City website, emailed to interested parties listed on City website notifications groups, and emailed to 44 local non-profit organizations. Two individuals attended the November 21, 2019, Design Phase public hearing. At the meeting, staff did not receive a proposal for eligible CDBG activities.

Throughout the year staff meets with individuals and organizations to discuss potential CDBG activities. Before March 9, 2020, one preliminary activity (with one alternative) had been identified and requested by the Fort Bragg Fire District. Since COVID-19, West Business Development Center has contacted the City regarding one activity, Microenterprise Financial Assistance. Eight preliminary activities have been identified for consideration by the City. Staff has removed activities that Council previously eliminated that have not had a direct impact by COVID-19.

Potential activities along with activity amounts are described below:

**Economic Development Activities:**

- **Business Assistance Loan Program** (estimated at $500,000, not to exceed $750,000) If selected and as required by HCD, City staff will complete a Market Analysis that will guide the amount of grant funds to seek.

- **Microenterprise Business Assistance Program** (estimated at $200,000, not to exceed $500,000) If selected and as required by HCD, City staff will complete a Market Analysis that will guide the amount of grant funds to seek.

**Planning and Technical Assistance Activities:**

- **Fire Station Roof Rehabilitation Planning Grant – Alternative 2** ($34,334 of the $250,000 limit)

- **Business Incentives Planning Grant** ($50,000 of the $250,000 limit)

- **Mill Site Planning** ($100,000 to $150,000 of the $250,000 limit)

- **Emergency Response Plan** ($75,000 of the $250,000)

- **Bainbridge Park Rehabilitation Planning Grant** ($157,560 of the $250,000)

**Code Enforcement Activities:**

- **Code Enforcement Program** (estimated $320,000 up to $500,000*)

  *Estimate based on a two-year program with one full time admin/CSO and ¼ time Officer.
CDBG Funded Projects

The City has a very active CDBG program. Since 2014 the City has applied and been awarded funding from three of the five NOFA cycles. The table below provides an overview of CDBG funding awards:

<table>
<thead>
<tr>
<th>NOFA</th>
<th>City Application</th>
<th>Award Amount</th>
<th>Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>Yes</td>
<td>$2,000,000</td>
<td>Homeless Facilities, Public Services, Employment Training, Microenterprise programs</td>
</tr>
<tr>
<td>2014 (OTC)*</td>
<td>Yes</td>
<td>$836,151</td>
<td>Direct Financial Assistance (loan to: Sportz Investment Inc. DBA Sport Chrysler Jeep Dodge)</td>
</tr>
<tr>
<td>2015</td>
<td>No</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>2016</td>
<td>Yes</td>
<td>$2,000,000</td>
<td>Water/Sewer Improv., Direct Financial Assistance, Planning grants, Microenterprise programs</td>
</tr>
<tr>
<td>2017</td>
<td>Yes</td>
<td>$3,038,896</td>
<td>Cypress Street Parents and Friends RCFE’s Project</td>
</tr>
<tr>
<td>2018</td>
<td>No</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>2019-20 (OTC)</td>
<td>Yes</td>
<td>Pending</td>
<td>Water/Sewer Improv. (Water Meter Replacement Project)</td>
</tr>
</tbody>
</table>

*Over-the-Counter (OTC) Economic Development loans can be applied for until September 15, 2020 for the 2019-20 NOFA cycle.

Considerations for Selection of Activities

City Council may select up to five activities for applications, with Community Development Activities not exceeding $555,635 in grant funds or Economic Development funds exceeding $1,250,000 in grant funds. City Council may allocate up to $231,000 of Program Income to the selected activities. Program income allocation may vary based on the timelines and schedules for each activity being considered.

- At the Special City Council meeting on January 29, 2020 to discuss Economic Incentives for business growth, Council reviewed and supported the Business
The Business Assistance Loan Program (BALP). The Business Assistance Loan Program provides loans up to $300,000 to businesses within the City of Fort Bragg. Council also supported the implementation of the Economic Development and Housing Development Incentives Manual. A CDBG Business Incentives Planning Grant would provide funds for a portion of the planning necessary for many priority programs within the Manual.

- The Financial Assistance Program (FAP) is consistent with City Priority Areas established in the City Council’s April 2019 Goal Setting process, which included “Job Industry” to expand economic development opportunities through loans and grants. The FAP is designed for Microenterprise businesses (businesses with five or fewer employees) and provides small loans and grants to eligible businesses. It requires that the business be engaged in Technical Assistance activities to receive the loan funds. West Business Enterprise Center currently has Microenterprise Technical Assistance funding through county CDBG and would be the organization to provide Technical Assistance services to businesses seeking FAP. Due to COVID-19 many small businesses are in need of financial assistance.

- The Fire Station Rehabilitation is listed in the City’s Capital Improvements Program. The Fire District frequently repairs the roof and any obvious deterioration to the structure. However, the Fire District does not have sufficient funds to repair or replace the roof or fund the needed rehabilitation of the structure, with some areas of the station dating to 1947.

- City Council has provided direction to staff on many occasions to continue the planning efforts necessary to complete the re-zoning of the Mill Site. The planning grant would provide funds to continue these efforts and help fund the required reports and studies to complete the Local Coastal Program Amendment.

- On July 22, 2019, Council approved City Council Resolution 4185-2019 approving application for Statewide Park Program funding through State Parks (Prop 68). Due to the very competitive grant round ($2.3 billion in applications with only $254.9 million available) through Statewide Park Development and Community Revitalization, the Bainbridge Park Rehabilitation Project was not awarded. Leading up to the July 22, 2019 Council meeting, four community meetings were held to gather input. The Rehabilitation of Bainbridge Park is also in the City’s Capital Improvements Program.

- The City does not currently have a funded full time Code Enforcement Officer position. The program would increase Code Enforcement efforts resulting in a more proactive code enforcement program.

- The Emergency Response Plan has not been updated since 2015 and was approved by City Council on January 11, 2016. The current COVID-19 pandemic has shed light on the urgency to update the Plan to be better able to respond to emergencies in the community. The planning grant would provide funds to assist in updating the Emergency Response Plan, which would provide a more adequate response to the emergencies that the City has faced in recent months and in the years to come.
RECOMMENDED ACTION:
Provide direction to staff regarding City Council’s priorities for activities to be included in the 2020 CDBG competitive applications.

ALTERNATIVE ACTION(S):
No action. Under this alternative, the City would not submit competitive applications at the June 1, 2020 deadline.

FISCAL IMPACT:
CDBG funds allow the City to conduct activities and complete projects to benefit the community, and in particular, the City’s low- and moderate-income residents, for which funding would otherwise be unavailable. CDBG activities also create job opportunities in the community. CDBG grant administration requires significant commitment of staff time, but CDBG provides funding for administrative activities (up to 7% of activity funds) that is generally adequate to service the program. There are sufficient grant funds to operate the City’s 2017 CDBG grant, including all construction project costs and general administration.

CONSISTENCY:
The State CDBG mission is to improve the lives of low- and moderate-income residents through the creation and expansion of community and economic development opportunities, which supports livable communities for all residents. This mission is consistent with City Priority Areas established in City Council’s April 2019 Goal Setting process including Priority Area “Jobs/Industry” (Economic Development loans and grants, Business Assistance Program); Priority Area “Quality of Life” (public improvements projects); and Priority Area “Infrastructure” (community development capital projects).

IMPLEMENTATION/TIMEFRAMES:
If City Council provides direction to submit 2019-20 CDBG competitive applications, a Resolution of application must be approved prior to application submittal. The application due date is June 1, 2020.

ATTACHMENTS:
1. Public Hearing Notice (English)
2. Public Hearing Notice (Spanish)
3. Appendix L: 2020 CDBG Application Scoring Criteria

NOTIFICATION:
1. CDBG Activities Notify Me Subscribers
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Fort Bragg will conduct a public hearing at a regular meeting to be held at 6:00 p.m., or as soon thereafter as the matter may be heard, on MONDAY, MAY 11, 2020, at Town Hall, southwest corner of Main and Laurel Streets (363 North Main Street), Fort Bragg, California 95437.

Due to the provisions of the Governor’s Executive Orders N-25-20 and N-29-20 which suspend certain requirements of the Brown Act, and the order of the Health Officer of the County of Mendocino to shelter in place to minimize the spread of COVID-19, the City Councilmembers will be participating in this Public Hearing by teleconference and/or videoconference. In compliance with the Shelter-In-Place Orders of the County and State, Town Hall will be closed to the public. The Public Hearing will be live-streamed on the City’s website at city.fortbragg.com and on Channel 3.

The City Council will solicit citizen input regarding the following:

Receive Report and Conduct Public Hearing and Provide Direction to Staff Regarding 2020 Community Development Block Grant (CDBG) Program Competitive Applications

The purpose of the public hearing will be to consider submittal of applications to the State Housing and Community Development Department and to give citizens an opportunity to make their comments known on the proposed activities and application. The City of Fort Bragg is applying for grant funding of up to $3,500,000 under the 2019-20 NOFA for eligible activities and allowable General Administration funds.

Public Comment regarding this Public Hearing is restricted to electronic, written and voice mail communications. Comments may be made in any of the following ways: (1) Through the City's online eComment agenda feature, (2) Emailed to City Clerk June Lemos, jlemos@fortbragg.com, (3) Written comments delivered through the drop-box for utility payments to the right of the front door at City Hall, 416 N. Franklin Street; or (4) Voice mail comments called in to (707) 961-1694 by 5:00 PM on the day of the meeting. If you need a special accommodation because of a sensory or mobility impairment/disability, or have a need for an interpreter, please contact City Hall at (707) 961-2823 to arrange for those accommodations to be made.

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

Dated: April 24, 2020

June Lemos, CMC
City Clerk
POST/PUBLISH: April 30, 2020

STATE OF CALIFORNIA  )
COUNTY OF MENDOCINO  ) ss.

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

__________________________
June Lemos, CMC, City Clerk
LA PRESENTE SE NOTIFICA a la Ciudad Consejo de la Ciudad de Fort Bragg llevará a cabo una audiencia pública en una reunión ordinaria que tendrá lugar a las 6:00 pm, o tan pronto como la materia puede ser oído, el LUNES, 11 DE MAYO DE 2020, en el Ayuntamiento, esquina suroeste de las calles Main y Laurel (363 North Main Street), Fort Bragg, California 95437.

Debido a las disposiciones de las órdenes ejecutivas del gobernador N-25-20 y N-29-20 que suspenden ciertos requisitos de la Ley Brown, y la orden del Oficial de Salud del Condado de Mendocino de refugiarse en el lugar para minimizar la propagación de COVID-19, los miembros del Concejo Municipal participarán en esta Audiencia Pública por teleconferencia y / o videoconferencia. En cumplimiento de las órdenes de refugio en el lugar del condado y el estado, el Ayuntamiento estará cerrado al público. La audiencia pública se transmitirá en vivo en el sitio web de la ciudad en city.fortbragg.com y en el canal 3.

El Ayuntamiento solicitará la opinión de los ciudadanos con respecto a lo siguiente:

**Recibir un informe y llevar a cabo una audiencia pública y proporcionar instrucciones al personal con respecto a las solicitudes competitivas del Programa 2020 de Desarrollo Comunitario en Bloque (CDBG)**

El propósito de la public escuchar Wil l sea a considerar la presentación de la aplicación s al Estado de Vivienda y Desarrollo de la Comunidad Departamento y dar a los ciudadanos la oportunidad de hacer saber sus comentarios sobre las actividades propuestas y aplicación. La ciudad de Fort Bragg está solicitando concesión de financiación de hasta $ 3,500,000 2019-20 bajo el NOFA para actividades admisibles y los fondos de la Administración general permissibles.

El comentario público sobre esta audiencia pública está restringido a las comunicaciones electrónicas, escritas y de correo de voz. Los comentarios pueden hacerse de cualquiera de las siguientes maneras: (1) A través de la función de agenda de eComment en línea de la Ciudad, (2) Enviado por correo electrónico al Secretario de la Ciudad, June Lemos, jlemos@fortbragg.com, (3) Comentarios escritos entregados a través del cuadro desplegable para pagos de servicios públicos a la derecha de la puerta principal en el Ayuntamiento, 416 N. Franklin Street; o (4) Comentarios de correo de voz llamados al (707) 961-1694 antes de las 5:00 PM del día de la reunión. Si necesita una adaptación especial debido a una discapacidad / discapacidad sensorial o de movilidad, o si necesita un intérprete, comuníquese con el Ayuntamiento al (707) 961-2823 para hacer las gestiones necesarias.

La ciudad de Fort Bragg promueve la vivienda justa y pone todos los programas a disposición...
de las familias de ingresos bajos y moderados, independientemente de su edad, raza, color, religión, sexo, origen nacional, preferencia sexual, estado civil o discapacidad.

Fecha: 24 de abril de 2020

June Lemos, CMC
Secretario de la ciudad

POST / PUBLICACIÓN: 30 de abril de 2020

ESTADO DE CALIFORNIA )
) ss.
CONDADO DE MENDOCINO )

Declaro, bajo pena de perjurio, que soy empleado por la Ciudad de Fort y que causo D este Aviso para ser publicado en el Ayuntamiento Aviso C ASE de abril de 30 de, 2020

June Lemos, CMC, secretario municipal
Appendix L: 2020 CDBG Application Scoring Criteria

Use this appendix to determine how your application will be scored.

To use this appendix, first locate the activity being applied for and the maximum number of points associated with that activity. Please note that only like to like activities will be used in the ranking of applications. For example, housing activity applications will be ranked against other housing activity applications.

Each activity is broken into sections that correspond with your application along with the maximum amount of points per section. If the points for a section are based upon specific criteria that information will be nested below the section along with the points associated.

If you have any questions on how this scoring criteria works, please email CDBGNOFA@hcd.ca.gov.
# HOUSING REHABILITATION and HOMEBUYER

## 500 Points Max

<table>
<thead>
<tr>
<th>Needs Score</th>
<th>100 Points Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>You will find your needs score in Appendix A.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>State Objective 1</th>
<th>50 Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disaster Resiliency Long-Term Planning</td>
<td></td>
</tr>
<tr>
<td>You will either receive full points or zero points. If you have completed this objective in the past 24 months you will receive 50 points, if you have not, you will receive zero points.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>State Objective 2</th>
<th>50 Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fair Housing- Access to Opportunity</td>
<td></td>
</tr>
<tr>
<td>You will either receive full points or zero points. If you have completed this objective in the past 24 months you will receive 50 points, if you have not, you will receive zero points.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Marketing Plan</th>
<th>100 Points Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>The points will be calculated as follows:</td>
<td></td>
</tr>
<tr>
<td><strong>Is there a marketing plan</strong></td>
<td>Full points if provided, zero points if not.</td>
</tr>
<tr>
<td><strong>Does it address fair housing protections?</strong></td>
<td>Points received for each of the following below:</td>
</tr>
<tr>
<td>Rental Housing Inspections</td>
<td>2 Pt</td>
</tr>
<tr>
<td>Rental Housing Licensing</td>
<td>2 Pt</td>
</tr>
<tr>
<td>Fair Housing Complaint Process</td>
<td>2 Pt</td>
</tr>
<tr>
<td>Fair Housing Public Posters/Publications</td>
<td>2 Pt</td>
</tr>
<tr>
<td>Fair Housing Certification Program</td>
<td>2 Pt</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>10 Pt Max</td>
</tr>
</tbody>
</table>

Department of Housing & Community Development
Revised 3/18/2020
<table>
<thead>
<tr>
<th>Does it address anti-discrimination policies?</th>
<th>Full points if provided, zero points if not.</th>
<th>10 Pt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does it describe the target population?</td>
<td>Full points if provided, zero points if not.</td>
<td>10 Pt</td>
</tr>
<tr>
<td>Underwriting Requirements</td>
<td>100 Points Max</td>
<td></td>
</tr>
<tr>
<td>The points will be calculated as follows:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Does the Applicant have underwriting requirements?</td>
<td>Full points if provided, zero points if not.</td>
<td>70 Pt</td>
</tr>
<tr>
<td>Points received for each of the following items that are included in the underwriting requirements:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Standards Requirements</td>
<td>10 Pt</td>
<td></td>
</tr>
<tr>
<td>Income Qualification Requirements</td>
<td>10 Pt</td>
<td></td>
</tr>
<tr>
<td>Loan to Value Ratio Requirements</td>
<td>10 Pt</td>
<td></td>
</tr>
<tr>
<td>Loan Servicing Plan</td>
<td>100 Points Max</td>
<td></td>
</tr>
<tr>
<td>The points will be calculated as follows:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is there a loan serving plan?</td>
<td>Full points if provided, zero points if not.</td>
<td>50 Pt</td>
</tr>
<tr>
<td>Points received for each of the following items that are included in the underwriting requirements:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Addresses loan defaults</td>
<td>10 Pt</td>
<td></td>
</tr>
<tr>
<td>Describes long-term servicing and monitoring obligations</td>
<td>30 Pt</td>
<td></td>
</tr>
<tr>
<td>Addresses loan transfers</td>
<td>10 Pt</td>
<td></td>
</tr>
</tbody>
</table>
## PUBLIC SERVICES 500 Points Max

<table>
<thead>
<tr>
<th>Needs Score</th>
<th>100 Points Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>You will find your needs score in Appendix A</td>
<td></td>
</tr>
</tbody>
</table>

### State Objective 1 50 Points
Disaster Resiliency Long-Term Planning
You will either receive full points or zero points. If you have completed this objective in the past 24 months you will receive 50 points, if you have not, you will receive zero points.

### State Objective 2 50 Points
Fair Housing- Access to Opportunity
You will either receive full points or zero points. If you have completed this objective in the past 24 months you will receive 50 points, if you have not, you will receive zero points.

### Statement of Need 100 Points Max

Provide a narrative establishing there is a need for the service in your community. Narrative should incorporate third party evidence, studies, analysis, assessments, etc. Anecdotal letters of support are not documentation of need.

**Full points if provided, zero points if not.**

Points received for each of the following items that are included in documenting that there is no reasonable access to existing services:

- Third party studies establishing need 20 Pt
- Jurisdiction driven assessments or evaluations of need 20 Pt
<table>
<thead>
<tr>
<th>Published documentation of need</th>
<th>20 Pt</th>
</tr>
</thead>
<tbody>
<tr>
<td>(newspaper, journal, etc.)</td>
<td></td>
</tr>
</tbody>
</table>

| Service provider studies/assessments of needs in community | 20 Pt |

<table>
<thead>
<tr>
<th>Access to Services</th>
<th>60 Points Max</th>
</tr>
</thead>
</table>

Provide a narrative indicating there is no reasonable access to the service.  

*Full points if provided, zero points if not.*

Points received for each of the following items that are included in documenting that there is no reasonable access to existing services:

- Maps showing existing service locations (or showing absence of services)  
  15 Pt

- Transportation Availability documentation to show that there is no transport to area providers  
  10 Pt

- List of providers with similar service in area with locations to so the lack of availability to the service.  
  15 Pt
### Population Need for Service  
40 Points Max

<table>
<thead>
<tr>
<th>Provide a narrative indicating why the population needs this services</th>
<th>Full points if provided, zero points if not.</th>
<th>10 Pt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Points received for each of the following items that are included in documenting that there is no reasonable access to existing services:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Documentation of population changes</td>
<td>10 Pt</td>
<td></td>
</tr>
<tr>
<td>Service to population ratio</td>
<td>10 Pt</td>
<td></td>
</tr>
<tr>
<td>Marketing Plan to reach target populations</td>
<td>10 Pt</td>
<td></td>
</tr>
</tbody>
</table>

### Leveraged Services  
100 Points Max

<table>
<thead>
<tr>
<th>Provide a narrative listing your partners and collaborators</th>
<th>Full points if provided, zero points if not.</th>
<th>20 Pt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Points received for each of the following items that are included in documenting that there is no reasonable access to existing services:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Local Government/Agency</td>
<td>15 Pt</td>
<td></td>
</tr>
<tr>
<td>Non-Profit Service Providers</td>
<td>15 Pt</td>
<td></td>
</tr>
<tr>
<td>School District</td>
<td>15 Pt</td>
<td></td>
</tr>
<tr>
<td>Park District</td>
<td>15 Pt</td>
<td></td>
</tr>
<tr>
<td>Other (Include in Narrative)</td>
<td>10 Pt</td>
<td></td>
</tr>
<tr>
<td>Other (Include in Narrative)</td>
<td>20 Pt</td>
<td></td>
</tr>
</tbody>
</table>
CODE ENFORCEMENT  
500 Points Max

<table>
<thead>
<tr>
<th>Needs Score</th>
<th>100 Points Max</th>
</tr>
</thead>
</table>

You will find your needs score in Appendix A

<table>
<thead>
<tr>
<th>State Objective 1</th>
<th>50 Points</th>
</tr>
</thead>
</table>

Disaster Resiliency Long-Term Planning
You will either receive full points or zero points. If you have completed this objective in the past 24 months you will receive 50 points, if you have not, you will receive zero points.

<table>
<thead>
<tr>
<th>State Objective 2</th>
<th>50 Points</th>
</tr>
</thead>
</table>

Fair Housing- Access to Opportunity
You will either receive full points or zero points. If you have completed this objective in the past 24 months you will receive 50 points, if you have not, you will receive zero points.

<table>
<thead>
<tr>
<th>Code Enforcement Officer to Public Ratio</th>
<th>10 Points</th>
</tr>
</thead>
</table>

You will either receive full points or zero points. If you provide this information you will receive full points, if no information is provided then zero points will be awarded

<table>
<thead>
<tr>
<th>Code Enforcement Need</th>
<th>130 Points</th>
</tr>
</thead>
</table>

The points will be calculated as follows:

- **Detailed narrative why more enforcement is needed**: 
  
  *Full points if provided, zero points if not.*  
  30 Pt

- **Submitted documentation points are calculated as follows:**  
  
<table>
<thead>
<tr>
<th>Item</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>News clippings</td>
<td>25 Pt</td>
</tr>
<tr>
<td>Photos</td>
<td>25 Pt</td>
</tr>
<tr>
<td>City/County meeting minutes addressing need</td>
<td>20 Pt</td>
</tr>
<tr>
<td>Call data on need provided by enforcement agency</td>
<td>20 Pt</td>
</tr>
</tbody>
</table>
### Narrative of Housing Stock 80 Points Max

<table>
<thead>
<tr>
<th>Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Narrative of age &amp; condition of stock</td>
<td>10 Pt.</td>
</tr>
<tr>
<td>Full points if provided, zero points if not.</td>
<td></td>
</tr>
<tr>
<td>Age of housing stock</td>
<td>10 Pt</td>
</tr>
<tr>
<td>Full points if provided, zero points if not.</td>
<td></td>
</tr>
<tr>
<td>Narrative of nuisance properties</td>
<td>10 Pt.</td>
</tr>
<tr>
<td>Full points if provided, zero points if not.</td>
<td></td>
</tr>
<tr>
<td>Property Nuisance documentation can include but are not limited to photos, newspaper articles, police reports, calls for service, or code enforcement reports</td>
<td>50 Pt</td>
</tr>
<tr>
<td>Graffiti</td>
<td>10 Pt</td>
</tr>
<tr>
<td>Dumping</td>
<td>10 Pt</td>
</tr>
<tr>
<td>Abandoned vehicles</td>
<td>10 Pt</td>
</tr>
<tr>
<td>Vacant Property Problems</td>
<td>10 Pt</td>
</tr>
<tr>
<td>Other</td>
<td>10 Pt</td>
</tr>
</tbody>
</table>

#### Rental Housings Protections 40 Points Max

The points will be calculated as follows:

- No rental housing protections: 0 Points
- Rental Housing Inspection Program: 8 Points
- Rental Housing Licensing: 8 Points
- Rental Housing Door Fee: 8 Points
- Rental Housing Preservation Plan: 8 Points
- Fair Housing Certification Program: 8 Points

### Leveraged Partnerships 40 Points Max

The Points will be given as follows:

- Provide a narrative listing your partners and collaborators: Full points if provided, zero points if not. 10 Pt
- Points received for each of the following items that are included in documenting: 30 Pt
that there is no reasonable access to existing services:

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Local Government/Agency</td>
<td>5 Pt</td>
</tr>
<tr>
<td>Non-Profit Service Providers</td>
<td>5 Pt</td>
</tr>
<tr>
<td>School District</td>
<td>5 Pt</td>
</tr>
<tr>
<td>Park District</td>
<td>5 Pt</td>
</tr>
<tr>
<td>Other (Include in Narrative)</td>
<td>5 Pt</td>
</tr>
<tr>
<td>Other (Include in Narrative)</td>
<td>5 Pt</td>
</tr>
</tbody>
</table>
## PLANNING

<table>
<thead>
<tr>
<th><strong>Needs Score</strong></th>
<th><strong>100 Points Max</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>You will find your needs score in Appendix A</td>
<td></td>
</tr>
</tbody>
</table>

### State Objective 1

<table>
<thead>
<tr>
<th><strong>50 Points</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Disaster Resiliency Long-Term Planning</td>
</tr>
<tr>
<td>You will either receive full points or zero points. If you have completed this objective in the past 24 months you will receive 50 points, if you have not, you will receive zero points.</td>
</tr>
</tbody>
</table>

### State Objective 2

<table>
<thead>
<tr>
<th><strong>50 Points</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fair Housing- Access to Opportunity</td>
</tr>
<tr>
<td>You will either receive full points or zero points. If you have completed this objective in the past 24 months you will receive 50 points, if you have not, you will receive zero points.</td>
</tr>
</tbody>
</table>

### Statement of Need

<table>
<thead>
<tr>
<th><strong>100 Points Max</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Narrative on the need for this activity</td>
</tr>
<tr>
<td>Supporting Documentation of narrative</td>
</tr>
<tr>
<td><strong>Submitted documentation points are calculated as follows</strong></td>
</tr>
<tr>
<td>Third party assessment of need</td>
</tr>
<tr>
<td>Published documentation of need</td>
</tr>
</tbody>
</table>

### Beneficiary Engagement

<table>
<thead>
<tr>
<th><strong>40 Points Max</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The points will be calculated as follows:</td>
</tr>
<tr>
<td>Narrative on beneficiary identification</td>
</tr>
<tr>
<td>Narrative on community outreach to be done</td>
</tr>
</tbody>
</table>

---

Department of Housing & Community Development  
Revised 3/18/2020  
2020 CDBG NOFA
### Planning Team Qualifications  
120 Points Max

The points will be calculated as follows:

<table>
<thead>
<tr>
<th>Technical Capacity (relevant experience)</th>
<th>60 Pt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Submitted documentation points are calculated as follows:</td>
<td></td>
</tr>
<tr>
<td>Duty Statements/Resume</td>
<td>25 Pt</td>
</tr>
<tr>
<td>Activity Flow Chart</td>
<td>25 Pt</td>
</tr>
<tr>
<td>Organization flow chart</td>
<td>10 Pt</td>
</tr>
<tr>
<td>Number of grants managed in past 48 months</td>
<td>60 Pt</td>
</tr>
<tr>
<td>1-3 grants</td>
<td>30 Pt</td>
</tr>
<tr>
<td>4 or more grants</td>
<td>60 Pt</td>
</tr>
</tbody>
</table>

### Leveraged Partnerships  
40 Points Max

The Points will be given as follows:

<table>
<thead>
<tr>
<th>Provide a narrative listing your partners and collaborators</th>
<th>Full points if provided, zero points if not.</th>
<th>10 Pt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Points received for each of the following items that are included in documenting that there is no reasonable access to existing services:</td>
<td></td>
<td>30 Pt</td>
</tr>
<tr>
<td>Other Local Government/Agency</td>
<td>5 Pt</td>
<td></td>
</tr>
<tr>
<td>Non-Profit Service Providers</td>
<td>5 Pt</td>
<td></td>
</tr>
<tr>
<td>School District</td>
<td>5 Pt</td>
<td></td>
</tr>
<tr>
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<td>5 Pt</td>
<td></td>
</tr>
<tr>
<td>Other (Include in Narrative)</td>
<td>5 Pt</td>
<td></td>
</tr>
</tbody>
</table>
## ED PLANNING 500 Points Max

### Needs Score 100 Points Max

You will find your needs score in Appendix A

### State Objective 1 50 Points

Disaster Resiliency Long-Term Planning

You will either receive full points or zero points. If you have completed this objective in the past 24 months you will receive 50 points, if you have not, you will receive zero points.

### State Objective 2 50 Points

Fair Housing- Access to Opportunity

You will either receive full points or zero points. If you have completed this objective in the past 24 months you will receive 50 points, if you have not, you will receive zero points.

### Statement of Need 100 Points Max

<table>
<thead>
<tr>
<th>Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Narrative on the need for this activity</td>
<td>60 Pt</td>
</tr>
<tr>
<td>Supporting Documentation of narrative</td>
<td>40 Pt</td>
</tr>
<tr>
<td>Submitted documentation points are calculated as follows</td>
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</tr>
<tr>
<td>Third party assessment of need</td>
<td>20 Pt</td>
</tr>
<tr>
<td>Published documentation of need</td>
<td>20 Pt</td>
</tr>
</tbody>
</table>

### Beneficiary Engagement 40 Points Max

The points will be calculated as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Narrative on beneficiary identification</td>
<td>20 Pt</td>
</tr>
<tr>
<td>Narrative on community outreach to</td>
<td>20 Pt</td>
</tr>
</tbody>
</table>
### Planning Team Qualifications

#### 120 Points Max

The points will be calculated as follows:

<table>
<thead>
<tr>
<th>Technical Capacity (relevant experience)</th>
<th>60 Pt</th>
</tr>
</thead>
</table>

*Submitted documentation points are calculated as follows:*

<table>
<thead>
<tr>
<th>Duty Statements/Resume</th>
<th>25 Pt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Activity Flow Chart</td>
<td>25 Pt</td>
</tr>
<tr>
<td>Organization flow chart</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of grants managed in past 48 months</th>
<th>60 Pt</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-3 grants</td>
<td>30 Pt</td>
</tr>
<tr>
<td>4 or more grants</td>
<td>60 Pt</td>
</tr>
</tbody>
</table>

### Leveraged Partnerships

#### 40 Points Max

The Points will be given as follows:

1. **Provide a narrative listing your partners and collaborators**

   *Full points if provided, zero points if not.*

   10 Pt

2. **Points received for each of the following items that are included in documenting that there is no reasonable access to existing services:**

<table>
<thead>
<tr>
<th>Another Local Government/Agency</th>
<th>5 Pt</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Profit Service Providers</td>
<td>5 Pt</td>
</tr>
<tr>
<td>School District</td>
<td>5 Pt</td>
</tr>
<tr>
<td>Park District</td>
<td>5 Pt</td>
</tr>
<tr>
<td>Other (Include in Narrative)</td>
<td>5 Pt</td>
</tr>
<tr>
<td>Other (Include in Narrative)</td>
<td>5 Pt</td>
</tr>
</tbody>
</table>
ED BUSINESS ASSISTANCE 1500 Points Max

<table>
<thead>
<tr>
<th>Needs Score</th>
<th>300 Points Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>You will find your needs score in Appendix A</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>State Objective 1</th>
<th>50 Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disaster Resiliency Long-Term Planning</td>
<td></td>
</tr>
<tr>
<td>You will either receive full points or zero points. If you have completed this objective in the past 24 months you will receive 50 points, if you have not you will receive zero points.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>State Objective 2</th>
<th>50 Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fair Housing- Access to Opportunity</td>
<td></td>
</tr>
<tr>
<td>You will either receive full points or zero points. If you have completed this objective in the past 24 months you will receive 50 points, if you have not you will receive zero points.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Market Analysis</th>
<th>900 Points Max</th>
</tr>
</thead>
<tbody>
<tr>
<td>Understanding of Market</td>
<td>300 Pt Max</td>
</tr>
<tr>
<td>Business segment analysis</td>
<td>100 Pt</td>
</tr>
<tr>
<td>Local businesses surveyed</td>
<td>200 Pt</td>
</tr>
<tr>
<td>Analysis of lending opportunities</td>
<td>300 Pt Max</td>
</tr>
<tr>
<td>Identification of public/private lending sources</td>
<td>150 Pt</td>
</tr>
<tr>
<td>Determination CDBG funding fills gaps in financing</td>
<td>150 Pt</td>
</tr>
<tr>
<td>Demand Projections</td>
<td>100 Pt</td>
</tr>
<tr>
<td>Validation of # of applications likely to be approved</td>
<td></td>
</tr>
<tr>
<td>Conclusions</td>
<td>200 Pt</td>
</tr>
<tr>
<td>Based on demand projections, validation and support for the grant funding be requested</td>
<td></td>
</tr>
<tr>
<td>Loan Underwriting Requirements</td>
<td>200 Points Max</td>
</tr>
<tr>
<td>-------------------------------------------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>The points will be calculated as follows:</td>
<td></td>
</tr>
<tr>
<td>Debt coverage ratios in guidelines</td>
<td>50 Points</td>
</tr>
<tr>
<td>Collateral requirements in guidelines</td>
<td>50 Points</td>
</tr>
<tr>
<td>Credit requirements in guidelines</td>
<td>50 Points</td>
</tr>
<tr>
<td>Loan servicing plan in guidelines</td>
<td>50 Points</td>
</tr>
</tbody>
</table>
ED MICRO TECHNICAL ASSISTANCE 1500 Points Max

Needs Score 300 Points Max

You will find your needs score in Appendix A

State Objective 1 50 Points

Disaster Resiliency Long-Term Planning
You will either receive full points or zero points. If you have completed this objective in the past 24 months you will receive 50 points, if you have not you will receive zero points.

State Objective 2 50 Points

Fair Housing- Access to Opportunity
You will either receive full points or zero points. If you have completed this objective in the past 24 months you will receive 50 points, if you have not you will receive zero points.

Market Analysis 1100 Points Max

Market Analysis
The points will be calculated as follows:
Identify technical assistance program market area and appropriate search category to collect data best representing the area 100 Pt
The points will be calculated as follows:
Level and extent of technical assistance provided in the market area by the competitors/partners. 25 Pt
Types of businesses served by existing competitors/partners. 25 Pt
Competitors/partners costs for services 25 Pt
Market area served by competitors/partners. 25 Pt
Determination of the number of businesses by industry category and segment – use NAICS code level breakdown 200 Pt
The points will be calculated as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determination and decision related to targeted technical assistance program market area by standard Census Bureau’s employment</td>
<td>100 Pt</td>
</tr>
<tr>
<td>Identify the opportunities within categories</td>
<td>100 Pt</td>
</tr>
<tr>
<td>Identify all other private and public sources serving the market area</td>
<td>75 Points</td>
</tr>
<tr>
<td>The points will be calculated as follows:</td>
<td></td>
</tr>
<tr>
<td>Level and extent of technical assistance provided in the market area by the competitors/partners</td>
<td>20 Pt</td>
</tr>
<tr>
<td>Types of businesses served by existing competitors/partners</td>
<td>20 Pt</td>
</tr>
<tr>
<td>Competitors/partners costs for services</td>
<td>15 Pt</td>
</tr>
<tr>
<td>Market area served by competitors/partner</td>
<td>20 Pt</td>
</tr>
<tr>
<td>Include a recent survey of local businesses to assess and analyze current demand including documenting the level of potential</td>
<td>75 Pt</td>
</tr>
<tr>
<td>Determination and decision related to targeted technical assistance program market area by standard Census Bureau’s employment</td>
<td>75 Pt</td>
</tr>
<tr>
<td>Identify the opportunities within categories</td>
<td>75 Pt</td>
</tr>
<tr>
<td>Determine and validate the total number of clients that may be interested</td>
<td>300 Pt</td>
</tr>
<tr>
<td>The points will be calculated as follows:</td>
<td></td>
</tr>
<tr>
<td>Determine and validate the services offered</td>
<td>75 Pt</td>
</tr>
<tr>
<td>Determine the range of services being offered</td>
<td>75 Pt</td>
</tr>
<tr>
<td>Include a strategy and plan for marketing the technical assistance program</td>
<td>75 Pt</td>
</tr>
<tr>
<td>Validate requested funding</td>
<td>50 Pt.</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Determine reasonableness of assumptions</td>
<td>50 Pt.</td>
</tr>
</tbody>
</table>

Determine the reasonableness of the assumptions based on the target market, proposed extent and level of services, and the cost of providing the proposed services | 75 Pt. |
City of Fort Bragg Council Members

I know you have to make some tough choices regarding the up-coming CBDG proposal. Repairing the leaking fire house roof is one of the choices. In politics, I realize that the squeaky wheel normally gets the most attention. In that thought, having every firefighter, every board member, everyone who’ve depended on us after dialing 911 and everyone who supports the FBFD flood you with letters of support, would be a step in the right direction. Unfortunately, that’s really not how we do business. The way we do our job is pretty simple to define, present us with a problem, give us the facts and we will find a way to deal with it. No fan-fare or expectations of rewards, we do the job then return to the station. In most cases we end up talking about ways we could improve on the same situation should it ever come up again. I bring this up to share my point that we do not expect or demand that you choose our request over others.

I would like to point out that if you can think like a firefighter for a few hours, you might realize that your vote should go to the roof repairs. You have been presented with a problem. You have a leaking roof above the fire station. The problem grows as we consider the structural damage that is increasing every year that these leaks continue. Every rain adds to the potential of a major structural renovation, which in turn adds several “0’s” to the cost of repairing the roof. This is the problem you are “rolling up to”. Your options are limited as far as dealing with it. Now you are experiencing what fire officer’s face as they roll up to a major incident. You have to deal with it and not doing anything is not an option. While we might call on our Aerial ladder truck to protect nearby structures, your option of getting grant money to start work on the roof is currently the only one available to you.

Fort Bragg is very fortunate to have a strong dedicated volunteer fire department. When asked what our secret is, I never hesitate to point out that we operate as a team. That includes the paid staff, the officers, the firefighters, their families and friends, our governing board members and our community. I believe there is not much we can’t do if everyone involved is pulling in the same direction. As part of
our team, I would hope that the direction chosen would include taking care of our station before it gets much worse.

As Chief of the FBFD, I would like to thank the city for including our roof repairs as part of your potential grant proposal. Stay safe and hopefully we will be back to our normal lives soon!!
City Council - AMENDED - Via Video Conference
05-11-20 18:00

<table>
<thead>
<tr>
<th>Agenda Name</th>
<th>Comments</th>
<th>Support</th>
<th>Oppose</th>
<th>Neutral</th>
</tr>
</thead>
<tbody>
<tr>
<td>7A. 20-718 Receive Report, Conduct Public Hearing and Provide Direction to Staff Regarding 2020 Community Development Block Grant Program Competitive Applications</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

Sentiments for All Agenda Items
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment

---

Agenda Item: eComments for 7A. 20-718 Receive Report, Conduct Public Hearing and Provide Direction to Staff Regarding 2020 Community Development Block Grant Program Competitive Applications

Overall Sentiment

---

Jacob Patterson
Location:  
Submitted At:  1:54am 05-12-20

I object to providing additional funding to the West Company to cover their overhead costs rather than funding activities directly managed by the City. West Co receives a lot of funding from the County that is somewhat redundant to the funding it could receive from the City if they execute the potential program on behalf of the City. Because we have a significant budget shortfalls that make covering the City’s operating expenses difficult and we have furloughed staff, I support funding the City.
Receive Report and Consider Adoption of City Council Resolution Approving Submittal of a BUILD grant on behalf of the Mendocino Railway / California Western Railroad / Skunk Train (Skunk Train) to Fund the Following Activities: Repair of Tunnel #1, Repair of the Noyo Canyon Train Tracks, Repair of the Engine House, and Various Maintenance and Safety Improvements
AGENDA ITEM SUMMARY

TITLE:
Receive Report and Consider Adoption of City Council Resolution Approving Submittal of a BUILD grant on behalf of the Mendocino Railway / California Western Railroad / Skunk Train (Skunk Train) to Fund the Following Activities: Repair of Tunnel #1, Repair of the Noyo Canyon Train Tracks, Repair of the Engine House, and Various Maintenance and Safety Improvements

ISSUE:
Mendocino Railway / California Western Railroad / Skunk Train (aka the Skunk Train) has served the Mendocino region since 1885, providing freight, passenger, and mail service to businesses and residents in and around Fort Bragg and Willits, California. CWR has also long operated a world-renowned tourist train, one of our nation’s Top Ten, attracting millions of visitors to the region.

1. In 2015, one of Skunk Train’s tunnels collapsed, cutting the railroad in two and preventing the Skunk Train from operating between Fort Bragg and Willits. The tunnel collapse has severely constrained the effectiveness of railroad operations, effectively cutting off all freight and passenger services, except for a very short tourist excursion experience. The tunnel repair will cost an estimated $6 million.

2. Additionally, in order to effectively serve the freight and passenger community with faster train times, Skunk Train will need to replace railroad ties installed by a prior owner with new strong and environmentally safe railroad ties.

In August of 2018 the City submitted an $8.5 Million Better Utilizing Investments to Leverage Development (BUILD) grant on behalf of Skunk Train (which was matched with $8.5 million from Skunk Train) to repair the collapsed tunnel and to replace the bad ties. This grant was not funded. In July of 2019 the City submitted an $18.2 Million BUILD grant on behalf of Skunk Train. This grant was not funded.

The Skunk Train would like to submit a BUILD grant application with the scope of work to include:

1. Repair of Tunnel #1,
2. Replacement of chromated copper arsenate (CCA) Railroad Ties in Noyo Canyon,
3. Repair of the Engine House, and

Staff is seeking direction from City Council regarding the submittal of a grant request for these items on behalf of the Skunk Train. If awarded the grant would be monitored and administrated by City of Fort Bragg staff.
ANALYSIS:
The 2020 Fiscal Year (FY) Better Utilizing Investments to Leverage Development, or BUILD Transportation Discretionary Grant program makes available $1 billion in discretionary transportation funds. The FY 2020 BUILD Transportation grants are for planning and capital investments in surface transportation infrastructure and are to be awarded on a competitive basis for projects that will have a significant local or regional impact. BUILD funding can support roads, bridges, transit, rail, ports or intermodal transportation.

Projects for BUILD will be evaluated based on merit criteria that include safety, economic competitiveness, quality of life, environmental sustainability, state of good repair, innovation, and partnership. To better address the needs of rural America, which has historically been neglected, DOT intends to award 50% of BUILD Transportation grant funding to projects located in rural areas that deliver positive benefits for these communities, consistent with the Department’s R.O.U.T.E.S. initiative.

Eligible Applicants for BUILD Transportation grants are State, local and tribal governments, including U.S. territories, transit agencies, port authorities, metropolitan planning organizations (MPOs), and other political subdivisions of State or local governments. Thus, the City is applying on behalf of the Skunk Train.

Repairing the tunnel, the engine house and the rail tracks benefits the City and surrounding community in the shorter term by infusing $18.8 million into our local economy. The Skunk Train has committed to provide 51% of those costs as matching funds. Over the long term, the grant funds will restore infrastructure assets in the community that support jobs and continued growth.

This will be a competitive grant cycle, and DOT anticipates thousands of applications. CWR has hired the consulting firm of Baker & Miller to prepare the BUILD application. That firm will complete the application by May 17, 2020, giving the City two days to submit it through the DOT website portal. As part of the applicant submittal the sponsoring agency (the City) must submit a resolution of support.

Project Description
The Skunk Train railway consists of 40 miles of track connecting Fort Bragg and Willits. The line passes through two mountain tunnels and over 31 bridges. In 2015, Tunnel 1 collapsed, damaging the western portal and cutting the railroad in two. Skunk Train commissioned an engineering analysis to identify a comprehensive fix for the tunnel.

Once Tunnel 1 is reopened and the deferred maintenance of the railroad line is addressed, Skunk Train has indicated that they will be able to:
1) Haul logs from the forest via rail to the Willits sawmill;
2) Undertake freight operations including hauling goods from local manufacturers, automobile fuels and propane, and municipal solid waste (MSW). The project would result in a freight business of 20 MSW carloads per week.
3) Enter into an agreement with the Mendocino Transit Authority (MTA) to transport passengers on a "commute" basis from Willits to Fort Bragg and vice versa.
4) Restart the tourist passenger train. Forty-five percent of the Skunk’s 60,000 annual customers came to the region specifically to ride the train. Skunk Train customers have an average visitation of 2.4 days and spend roughly $30 million in the region.

**RECOMMENDED ACTION:**
Adopt a Resolution to Submit a Department of Transportation BUILD Grant for the Mendocino Railway / California Western Railroad / Skunk Train to Repair the Tunnel, Repair the Train Tracks, Repair the Engine House, and Various Maintenance and Safety Improvements.

**ALTERNATIVE ACTION(S):**
1. Take no action at this time or provide alternative direction to staff.

**FISCAL IMPACT:**
The submittal of the grant is a simple matter and would require little staff time. However, grant administration and project management of this large multi-year project would require the commitment of significant staff resources and technical expertise. The City would be responsible for administering the grant, including the following activities:
   1. Grant invoicing and reporting;
   2. Project bidding;
   3. Payment and management of contractors; and
   4. Ensuring that the project complies with all state and federal law (permitting, competitive bidding, prevailing wage, Francis-Bacon, etc.).
If the grant is awarded it includes funds to cover these costs. If current staffing is insufficient to complete this work and other City Council priorities, the City could hire a consultant or staff person to complete the work.

**CONSISTENCY:**
This project is consistent with City Council Goal: Foster and help sustain local businesses.
This project is also consistent with the City’s Economic Development Strategy: **Priority 1.2 Actively Grow and Retain Business** and **Priority 2.6 Support the Skunk Train**.

**GREENHOUSE GAS EMISSIONS IMPACT:**
Greenhouse gas emissions will increase during the construction and repair work on the tunnel, the rail tracks and the engine house.

**IMPLEMENTATION/TIMETABLES:**
The grant would be submitted by staff by May 18, 2020 with an award occurring sometime later in 2020. The construction project would occur from 2021 through 2025, with the City engaging in grant administration and project management throughout this period.

**ATTACHMENTS:**
1. Resolution
NOTIFICATION:
1. Skunk Train, Robert Pinoli
2. Economic Development Notify Me List
3. Mill Site Notify Me List
RESOLUTION NO. -2020

RESOLUTION OF THE FORT BRAGG CITY COUNCIL TO SUBMIT A DEPARTMENT OF TRANSPORTATION ("DOT") BUILD GRANT FOR THE MENDOCINO RAILWAY / CALIFORNIA WESTERN RAILROAD / SKUNK TRAIN TO REPAIR ITS TUNNEL AND REHABILITATE ITS TRACK

WHEREAS, Mendocino Railway / California Western Railroad / Skunk Train known in the community as the Skunk Train, has served the Mendocino region since 1885, providing freight, passenger, and mail service to businesses and residents in and around Fort Bragg and Willits, California; and

WHEREAS, Skunk Train has also long operated a world-renowned tourist train, one of our nation’s Top Ten, attracting millions of visitors to the region; and

WHEREAS, in 2015 one of Skunk Train’s tunnels collapsed, cutting the railroad in two and preventing the Skunk Train from operating between Fort Bragg and Willits. The tunnel collapse has severely constrained the effectiveness of railroad operations, effectively cutting off freight and passenger services between Fort Bragg and Willits; and

WHEREAS, Skunk Train needs to replace more than 30,000 chromated copper arsenate railroad ties installed by a prior owner with new strong and environmentally safe railroad ties in order to provide effective commuter passenger and freight services between Fort Bragg and Willits CA; and

WHEREAS, Skunk Train seeks to repair and replace the Engine House; and

WHEREAS, Skunk Train seeks to implement various health and safety features; and

WHEREAS, the Better Utilizing Investments to Leverage Development, or BUILD Transportation Discretionary Grant program, provides a unique opportunity for the Department of Transportation (DOT) to invest in road, rail, transit and port projects that promise to achieve national objectives; and

WHEREAS, at least 50 percent of BUILD funds must be awarded to projects located in rural areas and Fort Bragg and Mendocino County are very rural in nature; and

WHEREAS, Skunk Train will contribute a 50 percent match for the project; and

WHEREAS, the eligibility requirements of BUILD allow project sponsors at the State and local levels to obtain funding for multi-modal, multi-jurisdictional projects that are more difficult to support through traditional DOT programs; and

WHEREAS, the City of Fort Bragg is an eligible grant sponsor; and

WHEREAS, the Project is exempt pursuant to the California Environmental Quality Act ("CEQA") and Title 14, the California Code of Regulations ("CEQA Guidelines"), Section 15301; and

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

1. The repair of the Skunk Train tunnel and tracks would be a significant economic benefit to Fort Bragg and the surrounding rural economy of Mendocino County;
2. The City is committed to the success of the Skunk Train; and

3. This funding is critical for the repair of the tunnel and the upgrade to the rail lines and the ultimate success of the Skunk Train and our local rural and regional economy.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby authorize the City Manager to submit the BUILD program grant and act as the sponsor and grant administrator for the Mendocino Railway / California Western Railroad / Skunk Train project.

The above and foregoing Resolution was introduced by ____________, seconded by ________________, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 11th day of May, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

__________________________
William V. Lee
Mayor

ATTEST:

__________________________
June Lemos, CMC
City Clerk
Agenda Name: 8A. 20-724 Receive Report and Consider Adoption of City Council Resolution Approving Submittal of a BUILD grant on behalf of the Mendocino Railway / California Western Railroad / Skunk Train (Skunk Train) to Fund the Following Activities: Repair of Tunnel #1, Repair of the Noyo Canyon Train Tracks, Repair of the Engine House, and Various Maintenance and Safety Improvements

Sentiments for All Agenda Items

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment

Jacob Patterson
Location: 
Submitted At: 2:55am 05-12-20

This is not even close for me; we all love the Skunk Train and want to support them. There is zero reason why we would not apply for this grant on their behalf because we have nothing to lose by doing do so. The community can only gain if we are lucky enough to get this grant funded. I think the third time is the charm.
Updates and Discussion from the City Council COVID-19 Ad Hoc Committee
This will be a discussion item presented by the City Council COVID-19 Ad Hoc Committee.
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City Council Discussion on Reopening Local Businesses
AGENDA ITEM SUMMARY

**TITLE:**
City Council Discussion on Reopening Local Businesses

This will be a City Council discussion.
City Council - AMENDED - Via Video Conference
05-11-20 18:00

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Sentiments for All Agenda Items

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment

[Bar graph showing sentiment distribution]

Agenda Item: eComments for 8C. 20-725 City Council Discussion on Reopening Local Businesses

Overall Sentiment

[Bar graph showing sentiment distribution]

Jacob Patterson
Location:
Submitted At: 10:44pm 05-11-20

I encourage the City Council to share our displeasure with the County Supervisors about the negative unintended consequences of the past BoS decision to shutter the County’s public health lab for minimal financial benefits. A lack of testing capacity and our own public health lab is now the main obstacle to reopening our local businesses and economy and it will likely cost us dearly. A lack of accountability for past decisions is disturbing and may encourage similar decisions in the future.

Gabriel Maroney
Location:
Submitted At: 10:10pm 05-11-20

Please use your own judgment and invoke the right of self governance to open up as much local business as reasonably possible. Also continue with development and moving forward on educational and economic ad hoc committees that can meet online if needed. Local action should be extremely aggressive in development in support of the peoples health, education, environmental, and economic infrastructure.
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, a Revised Mandatory Shelter-in-Place Order on March 24, 2020, a Revised Mandatory Shelter-in-Place Order on April 24, 2020, and a Revised Mandatory Shelter-in-Place Order dated May 8, 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.

On April 6, 2020 staff presented the City Council with a proposed ordinance with the same provisions as the City of Ukiah and Mendocino County. The City Council did not adopt the Ordinance and directed staff to revise the ordinance to provide for a progressively increasing fine structure and an ordinance that would only apply to commercial establishments. A revised ordinance is presented for City Council’s consideration.

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.

At City Council direction, the revised proposed Ordinance only provides for administrative penalties to be levied for violations of the County’s COVID-19 Shelter-in-Place Orders by
those engaged in Commercial Activity, as defined by the Ordinance. The revised proposed Ordinance requires that a 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. The first offense penalty amount is set at $100.00. The second offense penalty amount is set at $150.00 and third or subsequent penalty amounts are set at $500.00. Any business receiving a citation has the right and opportunity for review and determination of the citation by the County Health Officer, City Manager or designee. The revised Ordinance allows a party who wishes further review of the citation, after review and final determination, to appeal to the City Council who will conduct a hearing and make a decision issued as a written order.

The revised Ordinance limits the definition of Enforcement Officer to the City Manager, any peace officer with jurisdiction in the City of Fort Bragg and anyone identified by resolution of the City Council.

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:**

City Council upon review may 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/or provide other direction to staff.

**FISCAL IMPACT:**

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

**GREENHOUSE GAS EMISSIONS IMPACT:**

Not applicable to enforcement actions.
CONSISTENCY:
The proposed urgency ordinance is consistent with all state laws, city ordinances, and emergency orders currently in effect.

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

ATTACHMENTS:
1. Urgency Ordinance 961-2020
2. Urgency Ordinance 961-2020 – Redline version

NOTIFICATION:
1. Press Release, Notify Me subscriber list
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, until the County Health Officer’s Shelter-in-Place and the California Governor’s stay at home orders expire or are lifted 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 the legal entity, or the officer, agent, employee or representative operating on behalf of or in the course of the business 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 witnesses, City staff, and interested persons, that the Responsible Party did commit or is otherwise responsible for the violation.

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

FG. The civil penalty for each violation involving a Commercial Activity shall be a fine not to exceed $100.00 for the first offense committed by a Responsible Party, $150.00 for the second offense committed by that Responsible Party, and $500.00 for the third or subsequent offenses committed by that Responsible Party, and shall not exceed $10,000.00.

GH. 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.

HI. 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 at her discretion.

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

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

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

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

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

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

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

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

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

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

Section 12. Procedure to Appeal an Administrative Citation.

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

B. To appeal the Citation, the recipient must give notice to the City within ten (10) days from the date of service of the Citation that they are appealing the Citation. The notice to the City may be made by providing a document, in writing, which may be transmitted electronically to the City Manager at tmiller@fortbragg.com, 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 the City Council as detailed below.

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

G. If the matter is sent to a Hearing Officer the City Council, 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 City Council, the City will provide the Hearing Officer City Council all the documents provided by the appellant, along with any additional documents that the City believes are relevant and supportive of its case. 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 City Council shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from the Responsible Party, witnesses, City staff, and interested persons relative to such violation of a COVID-19 order. The hearing may be continued from time to time. The Hearing Officer City Council may request additional information from the parties prior to issuing a written decision. The failure of any appellant of an Administrative Citation to appear at the scheduled hearing shall constitute a failure to exhaust administrative remedies.

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

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

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

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

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

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

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

Section 17. Notices.
A. The Administrative Citation and all notices to be given or served pursuant to this Ordinance shall be given or served on the Responsible Party in accordance with the provisions of this Ordinance.

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

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

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

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

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

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 and adopted at a special meeting of the City Council of the City of Fort Bragg held on April 6May 11, 2020 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSED:  

William V. Lee,  
Mayor

ATTEST:  

June Lemos, CMC  
City Clerk

PUBLISH:  
EFFECTIVE DATE:  

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 § 53069.4, the City Council elects to create an administrative penalty and hearing process for the purpose of enforcing the orders of the County Health Officer that are issued for the purpose of controlling the spread of the COVID-19 virus.
12. The potential damage caused by a violation of an order of the County Health Officer demands a penalty so as to provide an effective and significant deterrent to violating such orders.

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

Section 2. Applicability.
This ordinance applies from May 11, 2020, until the County Health Officer’s Shelter–in-Place and the California Governor’s stay at home orders expire or are lifted within the incorporated City limits or such additional period of time as declared by City Council resolution.

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

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

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

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

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

D. “Days” means calendar days.

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

F. “Responsible Party” means the legal entity, or the officer, agent, employee or representative operating on behalf of or in the course of the business of such entity, whose action or failure to act violates a COVID-19 Order.
Section 6. Adoption of County Health Officer Orders as City Law.
All COVID-19 Orders are hereby incorporated into this Ordinance as the law of the City of Fort Bragg.

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

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

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

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

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

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

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

D. When an Enforcement Officer discovers, or otherwise determines that a violation of a COVID-19 Order occurred, such Enforcement Officer may issue a Notice of Violation to the Responsible Party that provides twenty-four (24) hours to abate the violation. 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 Commercial Activity shall be a fine of $100.00 for the first offense committed by a Responsible Party, $150.00 for the second offense committed by that Responsible Party, and $500.00 for the third or subsequent offenses committed by that Responsible Party.

G. The 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Sufficient information to identify the Citation; and

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

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

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

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

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

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

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

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

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

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

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

I. Prior to the hearing in front of the City Council, the City will provide the City Council all the documents provided by the appellant, along with any additional documents that the City believes are relevant and supportive of its case.
Section 13. Hearing Procedure.
At the time and place stated in the notice of public hearing, the City Council shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from the Responsible Party, witnesses, City staff, and interested persons relative to such violation of a COVID-19 order. The hearing may be continued from time to time. The City Council may request additional information from the parties prior to issuing a written decision. The failure of any appellant of an Administrative Citation to appear at the scheduled hearing shall constitute a failure to exhaust administrative remedies.

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

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

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

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

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

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

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

Section 17. Notices.
A. The Administrative Citation and all notices to be given or served pursuant to this Ordinance shall be given or served on the Responsible Party in accordance with the provisions of this Ordinance.

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

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

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

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

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

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 __________ and adopted at a regular meeting of the City Council of the City of Fort Bragg held on May 11, 2020 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSED:  

__________________________________________
William V. Lee,  
Mayor

ATTEST:

__________________________________________
June Lemos, CMC  
City Clerk

Dear Ms Leno,
I’m hoping you can help me with a dilemma regarding the local ordinance regarding masks. As a local business/restaurant owner I am required to make sure my employees wear masks for their safety and the safety of others. However many people come to our walk up window unmasked. Lots of them are out of towners. Will they be fined in the same way that I would be if my staff would not comply? And, do you have any suggestions as to how to handle this issue?
Thank you

Sent from my iPhone
Greetings and Good Monday June.

Here are my comments for tonight’s city council meeting (comments also attached in PDF).

Thank you for your service to our community and I hope you are feeling wonderful.

Essentially,
Gabriel Quinn Maroney
8D. 20-712.
Please do not establish administrative Penalties for such violations, yet perhaps consider establishing penalties for officers, citizens, and staff that deprives any person constitutional liberties. Please read Title 18, U.S.C., Section 242.


TITLE 18, U.S.C., SECTION 242

_Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death._
Dear council members,
I really feel that only holding businesses accountable to our public health orders and not the many individuals who are coming to our area daily for months now, and the general public is unfair. As of now we have no confirmed cases on coast. If we plan to keep it this way, it seems fitting that the rules apply to everyone equally.
Jenny Shattuck
Fort Bragg
Hi,
Public comment about item # 8D.

Having read the letter from the City Council to the public and all the latest Miller reports, listened to the Town Hall meetings by our senator and Governor as well as read the letter from Sheriff Kendall I came to the conclusion that we do not need more top down rules & regulations, fees and punishments, but a bottom up approach to working collaboratively and cooperatively with our communities to figure out how we will survive these tough times. I am aware that Supervisor Haschak is working with other community members on issues like this. Connecting with him might help.

I want to thank all of you for working extra hard and long hours.

I am grateful that you did choose not to adopt the ordinance given to you on April 6 and am encouraging you not to adopt the ordinance tonight in front of you. I know that the city has not much money and that you will like to make sure the ordinance is respected.

I do not own a local business, but my apprehension comes from the place that it is easy to get too punitive. Why adopt this ordinance to have a tool in case it becomes necessary? If that is the case this issue can be revisited.

In case you saw Sheriff Kendall's posting on the Mendocino Sheriff Facebook page I was happy to see that to him collaboration with and education of the public seems better than heavy handedness.

The goal is to safely make a smooth transition to a soft opening before the local businesses need to close their doors for good. Has anyone looked at how many "essential workers" come to this county from other areas? I am sure they are not being paid to be in quarantine for 2 weeks before they do their jobs.

The Santa Cruz City Council just authorized City employees to issue citations to enforce the "shelter in place", "social distancing", and mask wearing requirements. Most City employees were already authorized to issue "Notice to Appear and Release Citations." The following additional people were added: Marine Safety Officer, Santa Cruz County Health Officer and subordinates, Urban Foresters and City Arborists, Wharf Supervisor, Golf Course Superintendent, Rangers, Resource Recovery Supervisor, Street Sweeper Operators and Water Patrol Officer.

These changes to Chapter 4.02 "Code Enforcement Authority and Powers" of Santa Cruz Municipal Code were approved at the City Council Meeting on Tuesday, 4-28-20. If the person charged does not admit the violation, and wants to contest the citation, then guilt must be proven beyond a reasonable doubt, as in all criminal proceedings. Evidence will have to be produced in court by the prosecution. If a person receiving a citation is found guilty, there can be penalties. The purpose of the Penal Code Section is not only to establish that this procedure is valid, but to exempt from a civil lawsuit any authorized public officer or employee who is later claimed to have wrongly used this citation power.

Let's not go in that direction.
Thank you for your consideration, Annemarie Weibel
I'll keep it short. Ditto what Jenny Shattuck said.

Judy Valadao
Dear City Council,

Our laws are here to protect the weak, not make things convenient for the strong and/or greedy.

I know that many are confused and anxious regarding our situation to prevent the spread of the virus.

However, current procedure are really the bare minimum that must be imposed to prevent/inhibit the spread of the virus.

Regarding 18 USC 242, I don’t see that it applies. No right has been violated.

Andrew