

**RESOLUTION NO. 3575-2012**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL**

and

**RESOLUTION NO. ID 349-2012**

**RESOLUTION OF THE FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT BOARD**

and

**RESOLUTION NO. RS 03-2012**

**RESOLUTION OF THE FORT BRAGG REDEVELOPMENT SUCCESSOR AGENCY**

**ACCEPTING THE RESIGNATION OF MICHAEL GOGNA AND APPOINTING DAVID WARNER TO SERVE AS CITY ATTORNEY, DISTRICT COUNSEL AND AGENCY COUNSEL**

**WHEREAS**, the City of Fort Bragg ("City") has contracted with the firm of Meyers, Nave, Riback, Silver and Wilson ("Meyers Nave") for legal services since 1999; and

**WHEREAS**, since January 2004 Michael Gogna, an attorney with Meyers Nave, has served as City Attorney, general counsel to the Fort Bragg Municipal Improvement District No. 1 ("District") and general counsel to the former Fort Bragg Redevelopment Agency and its successor, the Fort Bragg Successor Agency ("Agency"); and

**WHEREAS**, Mr. Gogna has advised the City that he intends to retire from the practice of law in early 2013; and

**WHEREAS**, in February of 2012, the City Council appointed David Warner, an attorney with Meyers Nave, to serve in the capacity of Assistant City Attorney; and

**WHEREAS**, based on his experience and expertise in general municipal law matters, including land use, zoning and planning issues, and his performance during the time that he has served as Assistant City Attorney, David Warner has demonstrated that he is well qualified to serve as City Attorney for the City, General Counsel for the District, and General Counsel for the Agency; and

**WHEREAS**, Michael Gogna has submitted a letter of resignation to the City Council, District Board, and Agency Board requesting that said resignation become effective upon the appointment of his successor; and

**WHEREAS**, the City Attorney and the City Manager have both recommended that David Warner be appointed to perform duties and responsibilities of City Attorney, District General Counsel, and Agency General Counsel;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg, the District Board of the Fort Bragg Municipal Improvement District No. 1, and the Agency Board of the Fort Bragg Successor Agency each hereby declare, determine and order as follows:

**Section 1.** The resignation of Michael Gogna is accepted.

**Section 2.** David Warner is hereby appointed to the position of City Attorney of the City, General Counsel of the District, and General Counsel of the Agency, said appointment to become effective upon being sworn in to those positions, and upon being so sworn, David Warner shall be empowered to perform the duties of City Attorney, District General Counsel and Agency General Counsel, respectively.

**Section 3.** The appointment made through, and the authority granted by, this resolution shall include the responsibility and authority to regularly advise the City Council, the District Board, the Agency Board, and their respective staffs and perform various other duties as needed.

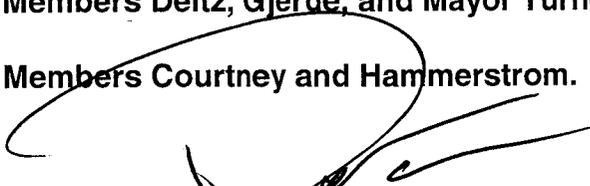
**Section 4.** David Warner shall be bound by the Agreement for Legal Services with Meyers Nave under which the City Attorney is currently retained by the City to provide legal services, as the same may be amended from time to time.

**Section 5.** David Warner shall comply with City of Fort Bragg Conflict of Interest rules, and the Political Reform Act (Government Code §8100, et seq.) and the FPPC Regulations (2 Cal. Code of Regulations §18109, et seq.)

**Section 6.** The appointment of David Warner as City Attorney, District General Counsel, and Agency General Counsel is not a "project" as that term is defined under the California Environmental Quality Act, and therefore, is not subject to environmental review.

**The above and foregoing Resolution was introduced by Council/Board/Agency Member Gjerde, seconded by Council/Board/Agency Member Deitz, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg/District Board of the Fort Bragg Municipal Improvement District No. 1/Fort Bragg Redevelopment Successor Agency held on the 22<sup>nd</sup> day of October, 2012, by the following vote:**

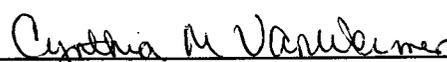
**AYES:** Council/Board/Agency Members Deitz, Gjerde, and Mayor Turner.  
**NOES:** None.  
**ABSENT:** Council/Board/Agency Members Courtney and Hammerstrom.  
**ABSTAIN:** None.

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**DAVE TURNER,**  
Mayor/Chair

**ATTEST:**

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**Cynthia M. VanWormer, CMC**  
City/District Clerk/Agency Secretary