



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Meeting Agenda 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, August 8, 2022

6:00 PM

Town Hall, 363 N. Main Street  
and Via Video Conference

---

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### ZOOM WEBINAR INVITATION

*This meeting is being presented in a hybrid format, both in person at Town Hall and via Zoom.*

*You are invited to a Zoom webinar.*

*When: Aug 8, 2022 06:00 PM Pacific Time (US and Canada)*

*Topic: City Council Meeting*

*Please click the link below to join the webinar:*

*<https://us06web.zoom.us/j/86263532780>*

*Or Telephone: +1 669 444 9171 or +1 346 248 7799 (\*6 mute/unmute; \*9 raise hand)*

*Webinar ID: 862 6353 2780*

*To speak during public comment portions of the agenda via zoom, please join the meeting and use the raise hand feature when the Mayor or Acting Mayor calls for public comment on the item you wish to address.*

### AGENDA REVIEW

#### **1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS**

1A. [22-387](#) Presentation of 2022 Mayor's Well Done Awards

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

*MANNER OF ADDRESSING THE CITY COUNCIL: All remarks and questions shall be addressed to the City Council; no discussion or action will be taken pursuant to the Brown Act. No person shall speak without being recognized by the Mayor or Acting Mayor. Public comments are restricted to three (3) minutes per speaker.*

*TIME ALLOTMENT FOR PUBLIC COMMENT ON NON-AGENDA ITEMS: Thirty (30) minutes shall be allotted to receiving public comments. If necessary, the Mayor or Acting Mayor may allot an additional 30 minutes to public comments after Conduct of Business to allow those who have not yet spoken to do so. Any citizen, after being recognized by the Mayor or Acting Mayor, may speak on any topic that may be a proper subject for discussion before*

the City Council for such period of time as the Mayor or Acting Mayor may determine is appropriate under the circumstances of the particular meeting, including number of persons wishing to speak or the complexity of a particular topic. Time limitations shall be set without regard to a speaker's point of view or the content of the speech, as long as the speaker's comments are not disruptive of the meeting.

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

**WRITTEN PUBLIC COMMENTS:** Written public comments received after agenda publication are forwarded to the Councilmembers as soon as possible after receipt and are available for inspection at City Hall, 416 N. Franklin Street, Fort Bragg, during normal business hours. All comments will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, except comments that are in an unrecognized file type or too large to be uploaded to the City's agenda software application. Public comments may be submitted to City Clerk June Lemos, [jlemos@fortbragg.com](mailto:jlemos@fortbragg.com).

### **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. [22-367](#)** Adopt City Council Resolution Establishing a Compensation Plan and Terms and Conditions of Employment for Exempt Mid-Management Classifications

**Attachments:** [RESO Mid-Mangement Compensation Exhibit A](#)

- 5B. [22-374](#)** Accept Certificate of Completion for the 2021 Cure-in-Place Pipe (CIPP) Project, City Project No. PWP-00023, and Direct City Clerk to File Notice of Completion

**Attachments:** [Notice of Completion](#)  
[Certificate of Completion signed](#)

- 5C. [22-378](#)** Adopt City Council Resolution Making the Legally Required Findings to Continue to Authorize the Conduct of Remote "Telephonic" Meetings During the State of Emergency

**Attachments:** [RESO Authorize Continuing Remote Meetings](#)

- 5D. [22-379](#)** Adopt City Council Resolution Confirming the Continued Existence of a Local Emergency in the City of Fort Bragg

**Attachments:** [RESO Declaring Continuing Local Emergency](#)

- 5E. [22-390](#)** Approve Letter of Support for Mendocino County's Grant Application in Support of Noyo Harbor District

**Attachments:** [Letter of Support Noyo Harbor](#)

- 5F. [22-391](#)** Adopt City Council Resolution Establishing a Compensation Plan and Terms

and Conditions of Employment for Exempt At-Will Executive Classifications

**Attachments:** [RESO Executive Compensation Schedule](#)  
[Exhibit A Compensation Schedule 7-3-2022](#)

- 5G. [22-393](#) Adopt City Council Resolution Establishing a Compensation Plan and Terms and Conditions of Employment for Non-Bargaining and Confidential Classifications

**Attachments:** [RESO Confidential Comp](#)  
[Ex A Compensation Schedule 7-3-2022 Confidential-NBarg COLA](#)

- 5H. [22-394](#) Adopt Joint City Council/Municipal Improvement District Resolution Approving Budget Amendment 2022/23-01 Amending Fiscal Year 2022/23 Budget for Cost of Living Adjustment Increases and One-Time Payments to the Employee Organizations

**Attachments:** [RESO Budget Amendment 2022/23-01](#)  
[RESO Ex A - Budget Amendment 2022/23-01](#)

- 5I. [22-395](#) Adopt City Council Resolution Approving Operating Agreement Between the City of Fort Bragg and the Mendocino Coast Recreation and Park District for Operation of the C.V. Starr Community Center and Authorizing City Manager to Execute Same

**Attachments:** [RESO CVSCC Operating Agreement 2022-25](#)  
[CV Starr Operating Agreement](#)

- 5J. [22-376](#) Receive and File Minutes of the June 14, 2022 Public Works and Facilities Committee Meeting

**Attachments:** [Meeting Minutes June 8, 2022 PWF](#)

- 5K. [22-377](#) Approve Minutes of July 25, 2022

**Attachments:** [CCM2022-07-25](#)

## **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. [22-382](#) Receive Report, Conduct Public Hearing, and Consider Adoption of City Council Resolution Approving Application for 2022 Community Development Block Grant (CDBG) Funding, Execution of Agreement, and Any Amendment Thereto

**Attachments:** [08082022 Staff Report](#)  
[RESO CDBG Application](#)  
[RESO Exhibit A](#)  
[Public Hearing Notice CDBG Application](#)

## **8. CONDUCT OF BUSINESS**

- 8A. [22-380](#) Receive Report, Consider Adoption of City Council Resolution Authorizing Application for and Implementation of Local Agency Technical Assistance (LATA) Program Funds, and Approve City Council Letter in Support of the LATA Program

**Attachments:** [08082022 LATA Staff Report](#)  
[RESO LATA Grant](#)  
[RESO Ex A Letter of Support - LATA Funds](#)  
[2021 Digital Infrastructure Plan](#)

- 8B. [22-381](#) Receive Presentation from West Business Development Center on Community Economic Resilience Fund (CERF) and Approve Letter of Support

**Attachments:** [Letter of Support](#)

- 8C. [22-396](#) Receive Report and Consider Adoption of City Council Resolution Calling and Giving Notice of a General Municipal Election for the Purpose of Submitting to the Voters a 3/8-Cent General Transaction and Use Tax; Directing the City Attorney to Prepare an Analysis of the Measure; Authorizing City Council to Submit a Ballot Argument in Favor of the Measure; and Setting Dates for Submitting Arguments on the Measure

**Attachments:** [08082022 Staff Report Tax Measure](#)  
[Att 1 - Reso Calling Election on Measure](#)  
[Att 2 - Ordinance General Transactions and Use Tax](#)  
[Att 3 - Notice of Election](#)  
[Att 4 - Notice to Voters re Sales Tax Measure Arguments](#)

## **9. CLOSED SESSION**

- 9A. [22-399](#) CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code 54956.8); Property: 30900 W. State Highway 20; 19671 Summers Lane, Fort Bragg, CA 95437; Agency negotiator: John Smith; Negotiating parties: Mendocino Coast Recreation and Parks District; Under negotiation: Price and terms

## **ADJOURNMENT**

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

**NEXT REGULAR CITY COUNCIL MEETING:  
6:00 P.M., MONDAY, SEPTEMBER 12, 2022**

STATE OF CALIFORNIA     )  
  )ss.  
COUNTY OF MENDOCINO    )

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this agenda to be posted in the City Hall notice case on August 4, 2022.

\_\_\_\_\_  
June Lemos, MMC  
City Clerk

**NOTICE TO THE PUBLIC:**

**DISTRIBUTION OF ADDITIONAL INFORMATION FOLLOWING AGENDA PACKET DISTRIBUTION:**

- *Materials related to an item on this Agenda submitted to the Council/District/Agency after distribution of the agenda packet are available for public inspection upon making reasonable arrangements with the City Clerk for viewing same during normal business hours.*
- *Such documents are also available on the City of Fort Bragg's website at <https://city.fortbragg.com> subject to staff's ability to post the documents before the meeting.*

**ADA NOTICE AND HEARING IMPAIRED PROVISIONS:**

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

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

*This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).*



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 22-387

---

**Agenda Date:** 8/8/2022

**Version:** 1

**Status:** Mayor's Office

**In Control:** City Council

**File Type:**  
Recognition/Announcements

**Agenda Number:** 1A.

Presentation of 2022 Mayor's Well Done Awards



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 22-367

**Agenda Date:** 8/8/2022

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 5A.

Adopt City Council Resolution Establishing a Compensation Plan and Terms and Conditions of Employment for Exempt Mid-Management Classifications

The resolution is for a one-year term ending on June 30, 2023. A summary of changes to compensation and benefits are summarized below:

Effective July 1, 2022:

- Each employee covered by this agreement shall receive a Cost of Living Adjustment (COLA) equal to 1% of their base salary.
- Each employee will receive a one-time payment of \$1,500.
- Section 2.4.C modifies language in Family Care Use clause to remove the enumerated care hour maximums for family members using the same language as Service Employees International Union (SEIU) Memorandum of Understanding (MOU).
- Section 3.1.E.3.i. Health and dental insurance on retirement changed to mirror SEIU language.
- Section 5.0 C.2. Per Diem Meals allowances to be increased as follows:
  - i. Breakfast (\$20)
  - ii. Lunch (\$25)
  - iii. Dinner (\$35)
- Section 8.0 Boot Allowance is increased to \$300 commensurate with SEIU.
- New Section 11.0 included stating that no employee will suffer a wage reduction due to Class & Compensation study results.

**RESOLUTION NO. \_\_\_\_-2022**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL ESTABLISHING A  
COMPENSATION PLAN AND TERMS AND CONDITIONS OF EMPLOYMENT  
FOR EXEMPT MID-MANAGEMENT CLASSIFICATIONS**

**WHEREAS**, it is the desire of the Fort Bragg City Council to provide an adequate level of compensation and to enumerate benefits and conditions of employment for exempt Mid-Management classifications; and

**WHEREAS**, exempt Mid-Management classifications currently covered by this resolution are as follows: Assistant Finance Director, City Clerk, Operations Manager, Police Captain, Assistant Director – Engineering, and Construction Project Manager; and

**WHEREAS**, all classifications covered by this resolution are exempt from overtime under Fair Labor Standards Act section 13(a)(1) and are part of the Personnel Merit System; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby establish a compensation plan and terms and conditions of employment for exempt Mid-Management classifications as follows:

**SECTION 1.0        SALARY COMPENSATION**

**1.1        SALARY SCHEDULE FOR EXEMPT MID-MANAGEMENT CLASSIFICATIONS**

	<b>Position</b>	<b>Annual Salary Range</b>
		<b>Effective 1<sup>st</sup> full pay period in July 2022</b>
1.	Assistant Finance Director	\$81,993.60 to \$99,652.80
2.	City Clerk	\$75,795.20 to \$92,123.20
3.	Operations Manager	\$75,795.20 to \$92,123.20
5.	Assistant Director - Engineering	\$75,795.20 to \$92,123.20
6.	Police Captain	\$113,630.40 to \$138,112.00
7.	Construction Project Manager	\$88,171.20 to \$107,182.40

The salary ranges established for exempt Mid-Management classifications incorporate cost of living adjustments as follows: effective first full pay period in July 2022 – 1% increase. In addition, a one-time payment of \$1,500 will be included in first full pay period, following adoption of this resolution.

**1.2        LONGEVITY PAY**

A. Employees covered under this resolution shall receive a new longevity benefit consisting of a \$750 one-time payment after 10 years of employment; a \$1,500 one-time payment



after 15 years of employment; and a \$2,000 one-time payment after 20 years of employment.

### **1.3 INITIATIVE MEASURE D, ORDINANCE 672**

- A. The salary provisions of Initiative Measure D, Ordinance 672 as adopted by the voters on November 4, 1986, are hereby recognized as the basic policy document governing the salary of the Police Captain covered in this resolution.
- B. The salary adjustments as provided for in Ordinance 672 shall be implemented as soon as possible after January 1 of each year.

### **1.4 TEMPORARY ASSIGNMENT PAY FOR WORKING IN A HIGHER CLASSIFICATION**

When a Mid-Management employee is assigned to perform all of the duties of a Department head for a period in excess of three (3) working days, said employee shall receive compensation equal to step 1 of the so assigned Department head compensation schedule for the period of such assignment.

Such assignments must be made by the employee's supervisor or the City Manager, and must be documented in writing prior to the actual absence of the Department head and shall be approved by the City Manager prior to the absence of the Department head, unless the absence is due to an unanticipated or unexpected absence.

Temporary assignment pay shall not apply to any paid leave time (e.g. sick leave, vacation, holiday, management leave) taken during the temporary assignment.

## **SECTION 2.0 LEAVES OF ABSENCE (PAID AND UNPAID)**

### **2.1 MANAGEMENT LEAVE**

Each exempt Mid-Management employee shall receive 10 days (80 hours) of Management Leave annually accrued in total as of January 1. Management Leave for exempt Mid-Management employees hired after January 1 will be prorated.

If the leave is not used by December 31 of each year, the unused balance will not carry forward unless approval by the City Manager is requested and received before December 31. The City Manager may authorize a carry-over of unused balance for up to 90 days past December 31. Any unused leave not taken within the 90-day extension period will be lost. Management Leave must be taken as time off and is not compensable upon termination.

### **2.2 VACATION LEAVE**

- A. Accrual: All full-time exempt Mid-Management employees covered by this resolution shall accrue vacation as follows:
  - 88 hours annually for 1 to 3 years of service (i.e. 0-36 months).
  - 120 hours annually for 4 to 9 years of service (i.e. 37-120 months).
  - 160 hours annually for 10 to 14 years of service (i.e. 121-180 months).
  - 200 hours annually for 15 or more years of service (i.e. 180+ months).
- B. Accumulation: Employees may accumulate vacation as follows:

- A maximum of 240 hours for 1 to 9 years of service (i.e. 0-120 months).
- A maximum of 320 hours for 10 to 14 years of service (i.e. 121-180 months).
- A maximum of 360 hours for 15 or more years of service (i.e. 180+ months).

The City Manager may authorize additional accumulation of vacation hours in situations where vacation time cannot be authorized due to work demands.

- C. Use: Vacation leave may be taken as it accrues. Accrued vacation time may be used, at a minimum, in blocks of one (1) hour or more. The date of vacation may be selected by the employee, but shall be approved by the Department Head, who shall consider the wishes of the employee and the needs of the Department.
- D. Vacation Buy-Back: Once during each fiscal year, and subject to the approval of the City Manager, employees may cash in a maximum of 40 hours of vacation leave. At the time the cash-in option is exercised, the employee must retain a minimum of 40 hours of vacation leave. Cash-in requests must be made in writing to the City Manager.

### **2.3 HOLIDAYS**

- A. All exempt Mid-management employees shall receive 12 designated paid holidays per year and one floating holiday per year to be observed during each fiscal year (July 1-June 30). Specified holidays are as follows:

January 1 (New Year's Day)  
 3<sup>rd</sup> Monday in January (Martin Luther King Jr. Day)  
 3<sup>rd</sup> Monday in February (Presidents Day)  
 Last Monday in May (Memorial Day)  
 July 4 (Independence Day)  
 1<sup>st</sup> Monday in September (Labor Day)  
 2<sup>nd</sup> Monday in October (Indigenous Peoples' Day)  
 November 11 (Veteran's Day)  
 4<sup>th</sup> Thursday in November (Thanksgiving)  
 Friday after Thanksgiving  
 December 24 (Christmas Eve)  
 December 25 (Christmas Day)

In addition, any day proclaimed by the Governor and recognized by the City Council as a public holiday, day of mourning or day of thanksgiving shall be provided as a holiday.

- B. One "floating holiday" may be taken as time off only, with advanced approval by the Department Head or City Manager and scheduled with due regard to the wishes of the employee and convenience of the City. Floating holidays, defined as eight hours, may not be carried forward from one fiscal year to the next and must be used no later than the last regularly scheduled pay date prior to June 30<sup>th</sup> of each fiscal year. Unused floating holidays are deemed to be lost, if not used, at the end of each fiscal year or upon termination of employment. A new employee hired after January 1<sup>st</sup> in any fiscal year shall be entitled to not more than half of the applicable floating holiday entitlement for the balance of the fiscal year. Floating holiday time may not be exchanged for actual compensation under any circumstances.

- C. Holiday Leave shall be administered as provided for in Section 15.2.10 of the City of Fort Bragg Personnel Rules and Regulations.

## **2.4 SICK LEAVE AND FAMILY AND MEDICAL LEAVE**

- A. Accrual: All exempt at-will executive employees shall accrue sick leave at a rate of eight (8) hours per month beginning at the commencement of employment and sick leave may be accrued with no maximum limit.
- B. Personal Use: Sick leave may be used as it is accrued. It is to be used for illness or injury and may not be used to supplement days off.
- C. Family Care Use: Accrued sick leave may be used for care of children, siblings and parents (be they natural, adoptive, step or foster of the employee or their current spouse or domestic partner), or spouse or domestic partner, to a maximum of eighty (80) hours in the calendar year of January 1 through December 31. It is further provided that an additional forty (40) hours of accrued sick leave per calendar year may be used for such care in unusual or emergency cases with the approval of the City Manager.
- D. Documentation: Employees must follow departmental policies for requesting/documenting use of sick leave and a physician's certification may be required at the discretion of the City Manager for absences of three consecutive work days or more.
- E. Conversion:
  - 1. Sick leave accrued in excess of eight hundred (800) hours may be converted to vacation on the basis of three (3) hours of vacation time for each ten (10) hours of sick leave accrued and converted.
  - 2. Up to 25% of sick leave accrued in excess of one thousand (1,000) hours may be converted to vacation on the basis of one (1) hour of vacation time for each one (1) hour of sick leave accrued and converted.
  - 3. Conversions may be made once in each calendar year, and must be approved by the City Manager before December 31.
  - 4. Eligibility: To be eligible an employee must be a regular full time employee at the time of the request.
  - 5. No conversion of sick leave shall be allowed for any employee who is discharged for cause.
- F. Transfer: An employee may transfer accrued sick leave to another employee in cases of emergency, subject to review and approval by the City Manager pursuant to Section 18 of the Personnel Rules and Regulations.
- G. Compensation on Separation: Upon separation after two or more years of service, an employee shall be paid for 30% of unused accrued sick leave. Such compensation is not applicable if an employee is discharged for cause.
- H. Family and Medical Leave: Executive employees shall be entitled to leave as provided for in the Family and Medical Leave Act (FMLA) of 1993 and the California Family Rights Act (CFRA) as per Section 16 of the Personnel Rules and Regulations.
- I. Fitness for Duty Examinations: City will pay mileage for personal car use to and from the out-of-town location of the City-requested examination based on the same criteria as for other travel reimbursements.

## **2.5 BEREAVEMENT LEAVE**

When a death occurs in an employee's immediate family (see Section 15.2.8 of the Personnel Rules and Regulations for definition of "immediate family"), the employee shall be granted necessary time off of up to three consecutive work days, with compensation, for the purpose of attending the funeral and/or to personal affairs. In the event of unusual travel time requirements, the City Manager may approve up to a total of five workdays. Proof of relationship and/or death may be required.

## **2.6 JURY DUTY**

Any employee summoned to serve on jury duty during an on-duty day shall be entitled to leave of absence with full pay for such period of time as they may be required to attend the court in response to such summons. The employee may retain such payment as may be allowed for travel, lodging and meal expenses. The employee shall not be required to submit to the City compensation received from the court for jury duty in order to receive full pay and expenses referenced above.

## **2.7 LEAVE OF ABSENCE WITHOUT PAY**

The City Manager may grant leaves of absence for a maximum of ninety (90) working days, without pay to any employee if the circumstances of the particular case warrant.

## **SECTION 3.0 HEALTH, DENTAL, VISION, LONG TERM DISABILITY, LIFE INSURANCE, DEFERRED COMPENSATION, RETIREMENT AND CAFETERIA PLAN**

### **3.1 HEALTH, DENTAL AND VISION INSURANCE**

A. For purposes of this Section, the following definitions shall apply:

1. Legally Separated — A court action separating an employee from their spouse. This definition shall be used for the sole purpose of City covered health insurance purposes. The Insurance Provider shall determine if the separated spouse is eligible for coverage under the City Health Plan(s).
2. Domestic Partner — A domestic partner as defined under California Family Code section 297.

B. Health and Dental Insurance

1. City shall provide health and dental insurance plans for employees and shall make such plan available for any dependents. The Insurance Provider shall determine if a legally separated spouse is eligible for coverage under the City's group health and dental plans.
2. Effective July 1, 2012, the City shall pay 80% and the employee shall pay 20% of the premiums required for the health and dental plans.
3. Employees enrolled in the High Deductible Health Plan will receive a total benefit allowance equal to 80% of the premium for the "traditional" health plan for payment of the High Deductible Health Plan premium with the balance, if any, to be paid into a Health Savings Account. Employees may choose to contribute additional funds

to a Health Savings Account on a pre-tax basis via payroll deductions in accordance with IRS guidelines.

- C. Eligible employees may elect to opt-out of the City-sponsored medical and/or dental plans, in which case the employee will receive a payment of \$200 per pay period if opting out of both medical and dental coverages and a pro-rated amount if opting out of only one type of coverage. Opt-out payments will be paid to the employee as taxable income. To be eligible, employees must provide proof of other comparable coverage, and the opt-out shall be effective for the employee and any eligible dependents.
- D. Vision Plan
  - 1. The City shall provide a vision care program for both employee and dependents. The premium cost of said plan is paid entirely by the City.
  - 2. Where and when the wearing of safety glasses is mandatory, the City shall provide reimbursement of the actual cost of required prescription safety glasses up to a maximum of \$225 per fiscal year per employee, or \$450 every other fiscal year.

E. Health and Dental Insurance on Retirement  
 For purposes of this section, the term "retiree" is defined as:  
*An employee who has a minimum of ten (10) years of continuous employment with the City, whose last day of employment preceding retirement through the California Public Employee Retirement System (CalPERS) was with the City, who immediately begins receiving CalPERS benefits upon retirement from the City, and who continuously maintains retiree status with CalPERS.*

- 1. For employees hired on or before December 31, 1991:
  - i) The City agrees to pay, for an eligible employee/retiree only, the costs of health and dental insurance in the City-approved plan(s) after retirement.
  - ii) The City will make available health and dental insurance in the City-approved plan(s) for the spouse or domestic partner only of a retiree if retiree was married or in a domestic partnership at the time of retirement.
  - iii) The City will pay the cost of spousal/partner health coverage based on the following schedule. Retirees must be at least sixty (60) years of age at retirement in order to receive this benefit. If an employee retires earlier than age 60 as allowed under the CalPERS retirement plan, the employee/retiree is responsible for 100% of the cost of spousal/partner health insurance coverage until the retiree reaches the age of sixty (60).

<b>Retiree Completed Years of Service</b>	<b>City-Paid Portion of Dependent Health Premiums</b>
10 Years	10%
11 Years	20%
12 Years	30%
13 Years	40%
14 Years	50%
15 Years	60%
16 Years	70%
17 Years	80%

18 Years	90%
19 Years	100%

- iv) Part-time employees/retirees eligible for this benefit shall receive the prorated cost of health and dental insurance in accordance with the City's Personnel Rules.
  - v) The retiree is responsible for 100% of the cost of spousal/partner coverage in the City's dental plan.
2. For employees hired on or after January 1, 1992 but before July 1, 2003:
    - i) The City agrees to pay, for an eligible employee/retiree only, the costs of health and dental insurance in the City-approved plan(s) after retirement.
    - ii) Part-time employees/retirees eligible for this benefit shall receive the prorated cost of health and dental insurance in accordance with the City's Personnel Rules.
  3. For employees hired on or after July 1, 2003 but before July 1, 2007:
    - i) The City agrees to pay, for an eligible employee/retiree only, the costs of health and dental insurance in the City-approved plan(s) after retirement until the retiree reaches the minimum required age for Medicare eligibility, at which time the City will only reaches the minimum required age for Medicare eligibility, at which time the City will only contribute the amount of the City's monthly medical premium attributable to retiree only prescription coverage of the City's medical plan for Medicare eligible retirees towards a Healthcare Reimbursement Arrangement on behalf of the retiree.
    - ii) Part-time employees/retirees eligible for this benefit shall receive the prorated cost of health and dental insurance in accordance with the City's Personnel Rules.
  4. For employees hired on or after July 1, 2007 but before July 1, 2011:
    - i) The City agrees that employees/retirees only may remain on the City's health and dental insurance plans until retiree reaches minimum Medicare eligibility age. The retiree is responsible for the full cost of insurance premiums for retiree only coverage which shall be paid to the City in a timely manner.
  5. For employees hired on or after July 1, 2011:
    - i) Retirees are not eligible to participate in the City's post-employment health and dental insurance benefit plans.

**3.2 LONG TERM DISABILITY INSURANCE**

- A. Mid-Management employees covered under this resolution may participate in the group long-term disability insurance program. For an overview of the plan see the certificate of insurance on file in the City's Human Resources Office.
- B. The City shall pay half the cost of the program with the balance to be paid by employees through payroll deductions.

**3.3 LIFE INSURANCE**

The City agrees to provide a life insurance policy in the amount of \$100,000 for each Mid-Management employee covered under this resolution. The City agrees to pay the full costs of such policies.

### **3.4 DEFERRED COMPENSATION**

The City agrees to continue in effect the deferred compensation plans approved by resolution of the City Council. Participation is voluntary and no contribution is made by the City on the employee's behalf.

### **3.5 RETIREMENT**

- A. For employees hired prior to December 31, 2012, and employees hired on or after January 1, 2013, who are "Classic Employees" as defined by CalPERS, the City offers the 2% @ 55 CalPERS Retirement Plan for all Miscellaneous employees covered by this resolution and the 2% @ 50 CalPERS Retirement Plan for all Safety employees covered by this resolution. Effective July 1, 2018, each Classic Employee covered by this Resolution shall contribute an additional 1% towards the City's share of CalPERS premiums.
- B. Employees hired on January 1, 2013 or after, who are not "Classic Employees" as defined by CalPERS, the City offers the 2% @ 62 CalPERS Retirement Plan for all Miscellaneous Employees covered by this resolution and the 2.7% @ 57 CalPERS Retirement Plan for all Safety Employees covered by this resolution.

### **3.6 CAFETERIA PLAN ADMINISTRATIVE FEES**

The City shall pay the administrative costs for employees enrolled in the plan.

## **SECTION 4.0 PHYSICAL EXAMINATIONS**

Mid-Management employees covered by this resolution, may undergo annual physical examinations. The City will reimburse any costs associated with deductible and co-pays. The employee must submit a copy of the health insurance explanation of benefits to the Human Resources Office for reimbursement of co-pays and deductibles.

## **SECTION 5.0 AUTOMOBILE USE AND TRAVEL REIMBURSEMENT**

- A. In those instances where a City vehicle is not available for use and the employee is required to use their private vehicle on City business, travel expense reimbursement shall be at the rate allowed by the Internal Revenue Service for mileage driven on City business.
- B. Prior to the use of a private vehicle for City business, employees must provide the City with a certificate of insurance, on the form provided by the City, which evidences that employee has comprehensive automobile liability insurance in an amount at least equal to the minimum requirements established by the City's liability insurance provider.
- C. Employees shall be reimbursed for expenses incurred while on assignment outside the Fort Bragg area as follows:
  - 1. Lodging: Maximum of \$175.00 per night, which shall include local taxes, but exclude tips, porter's fees, room service, movies, valet, etc.
    - i. When traveling to a high cost area, the City Manager may approve a higher maximum than shown above.

- ii. When an employee lodges at a hotel/motel at which the training program/meeting/seminar is being conducted, the employee shall be reimbursed for actual lodging costs if higher than the amount above. Approval of the Department Head or City Manager is required.
  - iii. Receipts are required for all lodging costs.
  - iv. When shared by others, only a pro rata share of the cost will be reimbursed. When furnished by a government agency or other source, or otherwise obtained without cost (i.e. lodging with friends or relatives), there shall be no reimbursement.
2. Meals: Per diem allowances for meals shall be provided and employees shall be eligible to claim for breakfast per diem (\$20.00) if they are in travel status as of 6:00 a.m.; employees shall be eligible to claim for lunch per diem (\$25.00) if they are in travel status between the hours of 11:00 a.m. and 2:00 p.m.; employees shall be eligible to claim for dinner per diem (\$35.00) if they are in travel status as of 6:00 p.m.
- i. If some meals are furnished when traveling on a per diem, they may not be claimed and/or they will be deducted at the basic rate as provided above.
3. Rental Cars: Size of rental cars must be justified if larger than compact. When using a rental vehicle, employee must keep log of daily mileage and pay for any mileage charge when car is used for personal business.
4. First Class Travel: First class travel cannot be used, unless the additional cost is paid by the employee.
5. Tickets: Copy of tickets used for travel must always be furnished with claim.
6. Fitness for Duty Examinations: City will pay mileage for personal car use to and from the out-of-town location of a City-requested examination based on the same criteria as for other travel reimbursements.

**SECTION 6.0      EDUCATION INCENTIVE**

- A. No exempt Mid-Management employee covered by this resolution shall receive any additional pay as an educational bonus or "certificate pay."
- B. The City shall make available \$950 annually for each exempt Mid-Management employee covered by this resolution for purpose of continuing education and/or professional training. The annual training allowance may be accumulated to a maximum of \$1,900 and should be included in the departmental budget during the budget process when planning for training and professional development. The training allowance may be used for training and expenses incurred in obtaining training. Requests must be approved by the City Manager prior to incurring expenses. Reimbursement will be made upon evidence of successful completion of the training or class.

**SECTION 7.0      HOURS OF WORK**

- A. Salaries approved for exempt Mid-Management employees recognize the advanced level of skills possessed by these employees, the high level of responsibility delegated to these employees and the potential for longer working hours necessitated by meeting attendance, response to emergency situations, and attendance at court and/or the necessity for meeting project deadlines.



- B. There is no specific compensation for hours worked beyond the minimum workweek of forty (40) hours. The following shall serve as basic guidelines to be used in the management of exempt Mid-Management employee work hours:
1. Exempt Mid-Management employees shall be expected to attend City Council and other evening or weekend meetings and activities as may be required by their job duties. Mid-Management employees shall not receive compensatory time off or additional compensation in any other form for attendance at such meetings/activities.
  2. All employees covered under this resolution are exempt Mid-Management employees and are, therefore, exempt from overtime payment under the Fair Labor Standards Act.
  3. All employees covered under this resolution shall be eligible to use Management Leave during the calendar year as provided in Section 2.1 of this resolution or to adjust work days and hours in recognition of extended hours worked.
  4. In recognition that exempt Mid-Management employees are often required to attend early morning, lunch, and evening meetings, a system of flexible time is available for their use. Exempt Mid-Management employees may work prior to the regular starting time or beyond the regular ending time, or may occasionally take an extended lunch or may work a weekend in lieu of a workday. However, it is expected that exempt Mid-Management employees shall work a minimum of eighty (80) hours per pay period, plus any additional work time reasonably required to discharge the duties and responsibilities of the position.

**SECTION 8.0            UNIFORM AND BOOT ALLOWANCE**

The Assistant Director – Engineering Division, Operations Manager and Construction Project Manager are eligible for a boot allowance of \$300.00 per year for boots that are OSHA/ASTM approved. The allowance may be used for either the purchase or repair of said boots.

The Police Captain will receive the uniform allowance as provided to police officers.

**SECTION 9.0            CERTIFICATION AND DUES**

The City agrees to pay for any certifications required in the performance of job duties for all mid-management positions.

To support each employee covered by this resolution in performing the necessary functions of their job duties, the City will pay for dues and subscriptions for professional/technical licensing and association membership as recommended by the Department Head and approved by the City Manager.

**SECTION 10.0            EQUIPMENT PURCHASE LOAN PLAN**

All exempt Mid-Management employees covered by this resolution shall have the option of entering into an equipment purchasing loan plan with the City, which may be utilized to assist the employee to purchase equipment that may be used, both on or off duty, to improve the employee's job performance. This plan has the following limitations:

- A. The loan total shall not exceed \$3,000.00.
- B. Employee cannot add to an existing loan without the recommendation and express permission of the City Manager.

- C. Employee agrees to pay an interest rate equal to the Local Agency Investment Fund (LAIF) rate paid to the City, as of the date of the loan, plus .25 percent.
- D. Loans shall be repaid via payroll deductions. Loans of less than \$1,000.00 shall be repaid in twenty-six equal installments. Loans of \$1,000.00 or more but less than \$2,000.00 shall be repaid in fifty-two equal installments. Loans of \$2,000.00 or more shall be repaid in seventy-eight equal installments. In no case shall deductions be more than \$50.00 per paycheck, except in the event of separation when the balance of the loan will be deducted from the final paycheck.
- E. The employee shall provide documentation, such as an invoice or receipt, prior to issuance of the loan, to serve as proof of purchase.
- F. Employee shall sign a payroll deduction authorization form for the amount calculated by the Finance Department.
- G. Employee shall receive approval prior to the purchase of any equipment for which this program is anticipated.
- H. Once all necessary documentation has been supplied and the employee signs all equipment loan documents, issuance of the loan will be processed within fourteen (14) days of final approval of all approved paperwork.

**SECTION 11.0      SALARY SURVEYS**

The City will conduct a comprehensive classification and compensation study periodically with the approval of the City Council. No employee will suffer from a wage reduction as part of the survey.

**SECTION 11.0      RELATIONSHIP TO PERSONNEL REGULATIONS**

The terms and conditions of employment as delineated above are in addition to the provisions of the City’s “Personnel Rules and Regulations of the City of Fort Bragg” as adopted by Resolution 4408-2021 and as amended from time to time. Should a conflict exist between this Resolution and Resolution 4408-2021, the provisions in this Resolution, or its successor, shall prevail.

**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 8<sup>th</sup> day of August, 2022, by the following vote:**

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**
- RECUSED:**

\_\_\_\_\_  
**BERNIE NORVELL**  
**Mayor**

**ATTEST:**

---

**June Lemos, MMC**  
**City Clerk**

# CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

Effective 07.03.2022 Resolution XXXX-2022 incorporating 1% cost of living adjustment for Mid-Management classifications.

				Step 1	Step 2	Step 3	Step 4	Step 5
<b>Assistant Director - Engineering Division (Mid-Management; Non-Bargaining)</b>								
Hourly				36.44	38.26	40.17	42.18	44.29
Bi-Weekly				2,915.20	3,060.80	3,213.60	3,374.40	3,543.20
Monthly				6,316.27	6,631.73	6,962.80	7,311.20	7,676.93
Annual				75,795.20	79,580.80	83,553.60	87,734.40	92,123.20
<b>Assistant Finance Director (Mid-Management; Non-Bargaining)</b>								
Hourly				39.42	41.39	43.46	45.63	47.91
Bi-Weekly				3,153.60	3,311.20	3,476.80	3,650.40	3,832.80
Monthly				6,832.80	7,174.27	7,533.07	7,909.20	8,304.40
Annual				81,993.60	86,091.20	90,396.80	94,910.40	99,652.80
<b>City Clerk (Mid-Management; Non-Bargaining)</b>								
Hourly				36.44	38.26	40.17	42.18	44.29
Bi-Weekly				2,915.20	3,060.80	3,213.60	3,374.40	3,543.20
Monthly				6,316.27	6,631.73	6,962.80	7,311.20	7,676.93
Annual				75,795.20	79,580.80	83,553.60	87,734.40	92,123.20
<b>Construction Project Manager (Mid-Management; Non-Bargaining)</b>								
Hourly				42.39	44.51	46.74	49.08	51.53
Bi-Weekly				3,391.20	3,560.80	3,739.20	3,926.40	4,122.40
Monthly				7,347.60	7,715.07	8,101.60	8,507.20	8,931.87
Annual				88,171.20	92,580.80	97,219.20	102,086.40	107,182.40
<b>Operations Manager (Mid-Management; Non-Bargaining)</b>								
Hourly				36.44	38.26	40.17	42.18	44.29
Bi-Weekly				2,915.20	3,060.80	3,213.60	3,374.40	3,543.20
Monthly				6,316.27	6,631.73	6,962.80	7,311.20	7,676.93
Annual				75,795.20	79,580.80	83,553.60	87,734.40	92,123.20
<b>Police Captain (Mid-Management; Non-Bargaining)</b>								
Hourly				54.63	57.36	60.23	63.24	66.40
Bi-Weekly				4,370.40	4,588.80	4,818.40	5,059.20	5,312.00
Monthly				9,469.20	9,942.40	10,439.87	10,961.60	11,509.33
Annual				113,630.40	119,308.80	125,278.40	131,539.20	138,112.00



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 22-374

---

**Agenda Date:** 8/8/2022

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Certificate of  
Completion

**Agenda Number:** 5B.

Accept Certificate of Completion for the 2021 Cure-in-Place Pipe (CIPP) Project, City Project No. PWP-00023, and Direct City Clerk to File Notice of Completion

The Fort Bragg Municipal Improvement District No. 1 accepted the bid and entered into contract with the lowest responsible bidder, Nor-Cal Pipeline Services, to perform work to complete the 2021 Cure-in-Place Pipeline Project, City Project No. PWP-00023. The Project refurbished approximately 4,980 linear feet (~0.94 miles) of sewer pipe, including areas in proximity to existing waterways. The project was constructed by Nor-Cal Pipeline Services. The Construction contract amount was \$192,050.00.

Following acceptance of the Certificate of Completion by the City Council, the City Clerk will file a Notice of Completion with the Mendocino County Recorder.

RECORDING REQUESTED BY:

City of Fort Bragg

AND WHEN RECORDED, RETURN TO:

City of Fort Bragg  
416 North Franklin Street  
Fort Bragg, California 95437  
Attention: June Lemos, MMC, City Clerk

The City is exempt from recordation fees per Government Code §27383.

**NOTICE OF COMPLETION**

1. The undersigned is the duly authorized agent of the owner, Fort Bragg Municipal Improvement District No. 1.
2. The full name of the owner is Fort Bragg Municipal Improvement District No. 1, a municipal corporation.
3. The nature of the interest of the owner is a fee interest.
4. This project was constructed in accordance with the Construction Agreement entitled **2021 Cure-in-Place Pipe (CIPP) Project, City Project No. WWP-0023** dated December 27, 2021.
5. The name of the contractor of the improvement work is Nor-Cal Pipeline Services, 9873 Reserve Drive, Roseville, California 95678. The contract was awarded to this firm on December 13, 2021 pursuant to Resolution ID 459-2021 by the Fort Bragg Municipal Improvement District Board.
6. The address of the owner is City of Fort Bragg, 416 North Franklin Street, Fort Bragg, California 95437.
7. On July 6, 2022, John Smith, Director of Public Works, executed a Certificate of Completion for the above-referenced project indicating that this project was completed as of that date. See Certificate of Completion attached hereto as Exhibit "A".

State of California            )  
  ) ss.  
County of Mendocino        )

I hereby certify under penalty of perjury that the forgoing is true and correct:

District Board Approval

FORT BRAGG MUNICIPAL IMPROVEMENT  
DISTRICT NO. 1

August 8, 2022  
(Date)

By: \_\_\_\_\_  
June Lemos, MMC  
District Clerk

PROOF OF SERVICE BY MAIL  
(Code of Civil Procedure Sections 1013a, 2015.5)

I am over the age of 18 years, employed in the County of Mendocino, and not a party to the within action; my business address is Fort Bragg City Hall, 416 North Franklin Street, Fort Bragg, California 95437.

On August 9, 2022, I served the attached document by placing a true copy thereof enclosed in a sealed envelope, with postage thereon fully prepaid, via Certified Mail, Return Receipt Requested, in the United States mail at Fort Bragg, California addressed as follows:

NorCal Pipeline Services  
983 Reserve Drive  
Roseville, CA 95678

City Rise, LLC  
686 E. Lockeford Street  
Lodi, CA 95240

Executed on August 9, 2022, at Fort Bragg, Mendocino County, California.

I declare, under penalty of perjury, that the foregoing is true and correct.

ATTEST:

---

June Lemos, MMC  
District Clerk of the  
Fort Bragg Municipal Improvement District No. 1



# CITY OF FORT BRAGG

*Incorporated August 5, 1889*

416 N. Franklin Street, Fort Bragg, CA 95437

Phone: (707) 961-2823 Fax: (707) 961-2802

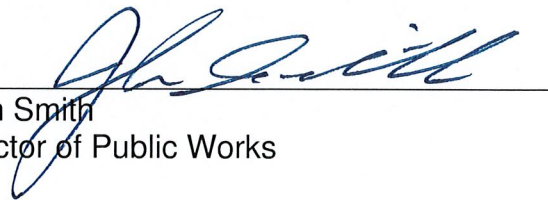
[www.FortBragg.com](http://www.FortBragg.com)

## CERTIFICATE OF COMPLETION

All items of work and the provisions of the contract executed with NorCal Pipeline Services, Inc. for labor, materials, equipment, and supervision for installation of approximately 4,500 feet of cure-in-place pipe liner, as shown in the Plans and Specifications for the 2021 Cure-In-Place Pipe (CIPP) Project, City Project WWP-0023, dated October 2021, have been completed.

This project as described above was awarded by the Fort Bragg Municipal Improvement District No. 1 by resolution at their meeting of December 13, 2021.

It is recommended that the completed project be accepted by the District Board.

  
\_\_\_\_\_  
John Smith  
Director of Public Works

DATED: 7/6/2022, 2022.

EXHIBIT "A"





# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 22-378

---

**Agenda Date:** 8/8/2022

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 5C.

Adopt City Council Resolution Making the Legally Required Findings to Continue to Authorize the Conduct of Remote "Telephonic" Meetings During the State of Emergency

**RESOLUTION NO. \_\_\_\_-2022**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL  
MAKING THE LEGALLY REQUIRED FINDINGS TO CONTINUE TO  
AUTHORIZE THE CONDUCT OF REMOTE “TELEPHONIC”  
MEETINGS DURING THE STATE OF EMERGENCY**

**WHEREAS**, on March 4, 2020, pursuant to California Gov. Code Section 8625, the Governor declared a state of emergency; and

**WHEREAS**, on September 17, 2021, Governor Newsom signed AB 361, which bill went into immediate effect as urgency legislation; and

**WHEREAS**, AB 361 added subsection (e) to Gov. Code Section 54953 to authorize legislative bodies to conduct remote meetings provided the legislative body makes specified findings; and

**WHEREAS**, as of July 28 2022, the COVID-19 pandemic has killed more than 93,482 Californians; and

**WHEREAS**, social distancing measures decrease the chance of spread of COVID-19; and

**WHEREAS**, this legislative body previously adopted a resolution to authorize this legislative body to conduct remote “telephonic” meetings; and

**WHEREAS**, Government Code 54953(e)(3) authorizes this legislative body to continue to conduct remote “telephonic” meetings provided that it has timely made the findings specified therein;

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

1. This legislative body declares that it has reconsidered the circumstances of the state of emergency declared by the Governor and at least one of the following is true: (a) the state of emergency continues to directly impact the ability of the members of this legislative body to meet safely in person; and/or (2) state or local officials continue to impose or recommend measures to promote social distancing.

**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 8th day of August, 2022, by the following vote:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**RECUSED:**

---

**BERNIE NORVELL**  
Mayor

**ATTEST:**

---

**June Lemos, MMC**  
City Clerk



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 22-379

---

**Agenda Date:** 8/8/2022

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 5D.

Adopt City Council Resolution Confirming the Continued Existence of a Local Emergency in the City of Fort Bragg

**RESOLUTION NO. \_\_\_\_-2022**

**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; and

**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; and

**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; and

**WHEREAS**, at a regular meeting on May 11, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4250-2020 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on May 26, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4253-2020 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on June 8, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4266-2020 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on June 22, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4270-2020 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on July 13, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4284-2020 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on July 27, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4289-2020 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on August 10, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4294-2020 by which it continued the local emergency; and

**WHEREAS**, at a special meeting on August 31, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4300-2020 by which it continued the local emergency; and

**WHEREAS**, at a special meeting on September 21, 2020, the City Council of the City of Fort Bragg adopted Resolution 4304-2020 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on October 13, 2020, the City Council of the City of Fort Bragg adopted Resolution 4317-2020 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on October 26, 2020, the City Council of the City of Fort Bragg adopted Resolution 4319-2020 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on November 9, 2020, the City Council of the City of Fort Bragg adopted Resolution 4323-2020 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on November 23, 2020, the City Council of the City of Fort Bragg adopted Resolution 4329-2020 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on December 14, 2020, the City Council of the City of Fort Bragg adopted Resolution 4333-2020 by which it continued the local emergency; and

**WHEREAS**, at a special meeting on December 22, 2020, the City Council of the City of Fort Bragg adopted Resolution 4340-2020 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on January 11, 2021, the City Council of the City of Fort Bragg adopted Resolution 4343-2021 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on January 25, 2021, the City Council of the City of Fort Bragg adopted Resolution 4347-2021 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on February 8, 2021, the City Council of the City of Fort Bragg adopted Resolution 4351-2021 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on February 22, 2021, the City Council of the City of Fort Bragg adopted Resolution 4358-2021 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on March 8, 2021, the City Council of the City of Fort Bragg adopted Resolution 4363-2021 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on March 22, 2021, the City Council of the City of Fort Bragg adopted Resolution 4366-2021 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on April 12, 2021, the City Council of the City of Fort Bragg adopted Resolution 4376-2021 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on April 26, 2021, the City Council of the City of Fort Bragg adopted Resolution 4381-2021 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on May 10, 2021, the City Council of the City of Fort Bragg adopted Resolution 4385-2021 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on May 24, 2021, the City Council of the City of Fort Bragg adopted Resolution 4391-2021 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on June 14, 2021, the City Council of the City of Fort Bragg adopted Resolution 4396-2021 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on June 28, 2021, the City Council of the City of Fort Bragg adopted Resolution 4405-2021 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on July 12, 2021, the City Council of the City of Fort Bragg adopted Resolution 4418-2021 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on July 26, 2021, the City Council of the City of Fort Bragg adopted Resolution 4422-2021 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on August 9, 2021, the City Council of the City of Fort Bragg adopted Resolution 4427-2021 by which it continued the local emergency; and

**WHEREAS**, at a special meeting on August 30, 2021, the City Council of the City of Fort Bragg adopted Resolution 4434-2021 by which it continued the local emergency; and

**WHEREAS**, at a special meeting on September 20, 2021, the City Council of the City of Fort Bragg adopted Resolution 4447-2021 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on October 12, 2021, the City Council of the City of Fort Bragg adopted Resolution 4451-2021 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on October 25, 2021, the City Council of the City of Fort Bragg adopted Resolution 4460-2021 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on November 8, 2021, the City Council of the City of Fort Bragg adopted Resolution 4463-2021 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on November 22, 2021, the City Council of the City of Fort Bragg adopted Resolution 4473-2021 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on December 13, 2021, the City Council of the City of Fort Bragg adopted Resolution 4480-2021 by which it continued the local emergency; and

**WHEREAS**, at a special meeting on December 27, 2021, the City Council of the City of Fort Bragg adopted Resolution 4491-2021 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on January 10, 2022, the City Council of the City of Fort Bragg adopted Resolution 4497-2022 by which it continued the local emergency; and



**WHEREAS**, at a regular meeting on January 24, 2022, the City Council of the City of Fort Bragg adopted Resolution 4504-2022 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on February 14, 2022, the City Council of the City of Fort Bragg adopted Resolution 4509-2022 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on February 28, 2022, the City Council of the City of Fort Bragg adopted Resolution 4513-2022 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on March 14, 2022, the City Council of the City of Fort Bragg adopted Resolution 4518-2022 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on March 28, 2022, the City Council of the City of Fort Bragg adopted Resolution 4525-2022 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on April 11, 2022, the City Council of the City of Fort Bragg adopted Resolution 4529-2022 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on April 25, 2022, the City Council of the City of Fort Bragg adopted Resolution 4535-2022 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on May 9, 2022, the City Council of the City of Fort Bragg adopted Resolution 4540-2022 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on May 23, 2022, the City Council of the City of Fort Bragg adopted Resolution 4543-2022 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on June 13, 2022, the City Council of the City of Fort Bragg adopted Resolution 4553-2022 by which it continued the local emergency; and

**WHEREAS**, at a regular meeting on June 27, 2022, the City Council of the City of Fort Bragg adopted Resolution 4557-2022 by which it continued the local emergency; and

**WHEREAS**, at a special meeting on July 18, 2022, the City Council of the City of Fort Bragg adopted Resolution 4565-2022 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 8th day of August, 2022 by the following vote:**

**AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSED:**

---

**BERNIE NORVELL**  
Mayor

**ATTEST:**

---

**June Lemos, MMC**  
City Clerk



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 22-390

---

**Agenda Date:** 8/8/2022

**Version:** 2

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Council Letter

**Agenda Number:** 5E.

Approve Letter of Support for Mendocino County's Grant Application in Support of Noyo Harbor District



## CITY OF FORT BRAGG

*Incorporated August 5, 1889*  
416 N. Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

<https://www.city.fortbragg.com/>

August 8, 2022

Mr. Jeff Lucas, Principal  
Community Development Services  
3895 Main Street  
Kelseyville, CA 95451

Re: Support for Mendocino County Grant Application in Support of the Noyo Harbor District Planning and Technical Assistance to Establish a Fuel Dock

Dear Mr. Lucas,

The City Council of the City of Fort Bragg would like to offer our support for Mendocino County's Community Development Block Grant (CDBG) application in support of Noyo Harbor District. The Noyo Harbor's 2019 Community Sustainability Plan identified several priority implementation projects to improve the commercial and recreational fishing industries in Fort Bragg; top on the list, the development of a fuel dock.

Noyo Harbor is an important part of Fort Bragg, currently and historically. The Noyo Harbor District and the thirty plus businesses within its service area are essential to the local and regional economy of the North Coast, employing up to 568 people during peak fishing and tourism seasons. The City works closely with the Harbor in many areas, and is an active partner in a coordinated regional effort exploring how opportunities emerging within the "blue economy" might drive regional economic development.

The blue economy offers a promising outlook for our coastal region, a path toward economic diversification that could improve local livelihoods and the quality of life for residents, while also supporting healthy marine ecosystems. Several key infrastructure investments have been identified in order to position our region for blue economy investment, the fuel dock being one. Others include establishing ocean water intake and discharge infrastructure; redevelopment of the mooring basin; establishing an icehouse; implementing North Harbor Drive circulation improvements and providing connectivity between the Noyo Harbor and Noyo Headlands Park trail; as well as the construction of a facility for Noyo Center for Marine Science.

The requested CDBG funds would be used to determine the size, location, design, engineering, budget, operating costs, environmental assessment, permitting requirements, and a

development timeline to establish a fuel dock that would serve the commercial operators, fisherman, and pleasure boaters operating out of the Noyo Harbor District. And the outcome of this analysis will allow the Harbor District to pursue to build out and arrange for the operation of a fuel dock facility.

We, the City Council of the City of Fort Bragg support these investments and offer this letter of support to Mendocino County's CDBG application.

Sincerely,

Bernie Norvell  
Mayor

Jessica Morsell-Haye  
Vice Mayor

Lindy Peters  
Councilmember

Tess Albin-Smith  
Councilmember

Marcia Rafanan  
Councilmember

Cc: Anna Neuman, Noyo Harbormaster



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 22-391

---

**Agenda Date:** 8/8/2022

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 5F.

Adopt City Council Resolution Establishing a Compensation Plan and Terms and Conditions of Employment for Exempt At-Will Executive Classifications

The resolution is for a one-year term and establishes the following changes to compensation and benefits:

1. Effective July 1, 2022, each employee covered by this agreement shall receive a \$1,500 one-time payment.

**RESOLUTION NO. \_\_\_\_\_-2022**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL ESTABLISHING A  
COMPENSATION PLAN AND TERMS AND CONDITIONS OF EMPLOYMENT FOR  
EXEMPT AT-WILL EXECUTIVE CLASSIFICATIONS**

**WHEREAS**, it is the desire of the Fort Bragg City Council to provide an adequate level of compensation and to enumerate benefits and conditions of employment for exempt, at-will, Executive classifications; and

**WHEREAS**, exempt at-will Executive classifications covered by this Resolution are as follows: Community Development Director, Police Chief, Finance Director, and Public Works Director; and

**WHEREAS**, it is noted that the Community Development Director and Finance Director classifications are not authorized in the FY 2022/23 Budget; and

**WHEREAS**, exempt at-will Executive classifications are not part of the Personnel Merit System and do not receive consideration as provided for others in that system; and

**WHEREAS**, exempt at-will Executive classifications are exempt from overtime under Fair Labor Standards Act section 13(a)(1); and

**WHEREAS**, all classifications covered by this Resolution are at-will, serve at the pleasure of the City Manager, and can be terminated with or without notice or cause and with no rights of appeal; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby establish a compensation plan and terms and conditions of employment for exempt at-will Executive classifications as follows:

**SECTION 1.0      SALARY COMPENSATION**

**1.1      SALARY SCHEDULE EXEMPT AT WILL EXECUTIVE CLASSIFICATIONS**

<b>Position</b>		<b>Annual Salary Range</b>
		<b>Effective 1st full pay period in July 2022</b>
1	Police Chief	\$139,713 to \$174,907
2	Community Development Director	\$102,523 to \$124,613
3	Public Works Director	\$102,523 to \$124,613
4	Finance Director/City Treasurer	\$102,523 to \$124,613
5	Assistant City Manager	\$102,523 to \$124,613

The salary ranges established for exempt, at-will Executive classifications incorporate the previously approved cost of living adjustments of 3%, effective July 4, 2022. In addition, a one-time payment of \$1,500 will be included in the first full pay period following the adoption of this Resolution.

## **1.2 LONGEVITY PAY**

- A. Employees covered under this Resolution shall receive a new longevity benefit consisting of a \$750 one-time payment after 10 years of employment, a \$1,500 one-time payment after 15 years of employment; and a \$2,000 one-time payment after 20 years of employment.

## **1.3 INITIATIVE MEASURE D, ORDINANCE 672**

- A. The salary provisions of Initiative Measure D, Ordinance 672 as adopted by the voters on November 4, 1986, are hereby recognized as the basic policy document governing the salary of the Police Chief covered in this Resolution.
- B. The salary adjustments as provided for in Ordinance 672 shall be implemented as soon as possible after January 1 of each year, and before January 31, unless there is a discrepancy. In these instances, the discrepancy shall be resolved, and the salary adjustments shall be implemented no later than February 28.

## **SECTION 2.0 LEAVES OF ABSENCE (PAID AND UNPAID)**

### **2.1 EXECUTIVE LEAVE**

Each exempt at-will Executive employee shall receive 10 days (80 hours) of Executive Leave annually accrued in total as of January 1. Executive Leave for exempt, at-will Executive employees hired after January 1 will be prorated.

If the Leave is not used by December 31 of each year, the unused balance will not carry forward unless approval by the City Manager is requested and received before December 31. The City Manager may authorize a carry-over of the unused balance for up to 90 days past December 31. Any unused leave not taken within the 90-day extension period will be lost. Executive Leave must be taken as time off and is not compensable upon termination.

### **2.2 VACATION LEAVE**

- A. Accrual: All full-time, exempt, at-will Executive employees covered by this Resolution shall accrue vacation as follows:
- 120 hours annually for 1 to 10 years of service (i.e. 0-120 months of service);
  - 160 hours annually for 10 to 15 years of service (i.e. 121-180 months of service);
  - 200 hours annually for more than 15 years of service (i.e. more than 180 months of service).
- B. Accumulation: Employees may accumulate up to 360 hours of vacation leave. The City Manager may authorize accrual of additional vacation hours in situations where vacation time cannot be authorized due to work demands.
- C. Use: Vacation leave may be taken as it accrues. Accrued vacation time may be used, at a minimum, in blocks of one (1) hour or more. The date of vacation may be selected by the employee, but shall be approved by the City Manager, who shall consider the wishes of the employee and the needs of the Department.
- D. Vacation Buy-Back: Once during each fiscal year, and subject to the approval of the City Manager, a maximum of 160 hours of vacation leave may be cashed in. At the time the cash-



in option is exercised, the employee must retain a minimum of 80 hours of vacation leave. Cash-in requests must be made in writing to the City Manager.

### **2.3 HOLIDAYS**

- A. All exempt at-will Executive employees shall receive 12 designated paid holidays per year and one floating holiday per year to be observed during each fiscal year (July 1-June 30). Specified holidays are as follows:

- January 1 (New Year's Day)
- 3<sup>rd</sup> Monday in January (Martin Luther King Jr. Day)
- 3<sup>rd</sup> Monday in February (Presidents Day)
- Last Monday in May (Memorial Day)
- July 4 (Independence Day)
- 1<sup>st</sup> Monday in September (Labor Day)
- 2<sup>nd</sup> Monday in October (Indigenous Peoples' Day)
- November 11 (Veterans Day)
- 4<sup>th</sup> Thursday in November (Thanksgiving)
- Friday after Thanksgiving
- December 24 (Christmas Eve)
- December 25 (Christmas Day)

In addition, any day proclaimed by the Governor and recognized by the City Council as a public holiday, day of mourning or day of thanksgiving shall be provided as a holiday.

- B. One "floating holiday" may be taken as time off only, with advanced approval by the Department Head or City Manager and scheduled with due regard to the wishes of the employee and convenience of the City. Floating holidays, defined as eight hours, may not be carried forward from one fiscal year to the next and must be used no later than the last regularly scheduled pay date prior to June 30<sup>th</sup> of each fiscal year. Unused floating holidays are deemed to be lost, if not used, at the end of each fiscal year or upon termination of employment. A new employee hired after January 1<sup>st</sup> in any fiscal year shall be entitled to not more than half of the applicable floating holiday entitlement for the balance of the fiscal year. Floating holiday time may not be exchanged for actual compensation under any circumstances.
- C. Holiday Leave shall be administered as provided for in Section 15.2.10 of the City of Fort Bragg Personnel Rules and Regulations.

### **2.4 SICK LEAVE AND FAMILY AND MEDICAL LEAVE**

- A. Accrual: All exempt at-will Executive employees shall accrue sick leave at a rate of eight (8) hours per month beginning at the commencement of employment and sick Leave may be accrued with no maximum limit.
- B. Personal Use: Sick leave may be used as it is accrued. It is to be used for illness or injury and may not be used to supplement days off.
- C. Family Care Use: Accrued sick leave may be used for care of children, siblings and parents, (be they natural, adoptive, step or foster of the employee or their current spouse or domestic partner), or spouse or domestic partner, to a maximum of eighty (80) hours in the calendar year of January 1 through December 31. It is further provided that an additional forty (40) hours

of accrued sick Leave per calendar year may be used for such care in unusual or emergency cases with the approval of the City Manager.

- D. Documentation: Employees must follow departmental policies for requesting/documenting use of sick Leave and a physician's certification may be required at the discretion of the City Manager for absences of three consecutive work days or more.
- E. Conversion:
  - 1. Sick leave accrued in excess of eight hundred (800) hours may be converted to vacation on the basis of three (3) hours of vacation time for each ten (10) hours of sick leave accrued and converted.
  - 2. Up to 25% of sick leave accrued in excess of one thousand (1,000) hours may be converted to vacation on the basis of one (1) hour of vacation time for each one (1) hour of sick leave accrued and converted.
  - 3. Conversions may be made once in each calendar year, and must be approved by the City Manager before December 31.
  - 4. Eligibility: To be eligible an employee must be a regular full-time employee at the time of the request.
  - 5. No conversion of sick leave shall be allowed for any employee who is discharged for cause.
- F. Transfer: An employee may transfer accrued sick Leave to another employee in cases of emergency, subject to review and approval by the City Manager pursuant to Section 18 of the Personnel Rules and Regulations.
- G. Compensation on Separation: Upon separation after two or more years of service, an employee shall be paid 30% of unused, accrued sick Leave. Such compensation is not applicable if an employee is discharged for cause.
- H. Family and Medical Leave: Executive employees shall be entitled to leave as provided for in the Family and Medical Leave Act (FMLA) of 1993 and the California Family Rights Act (CFRA) as per Section 16 of the Personnel Rules and Regulations.
- I. Fitness for Duty Examinations: City will pay mileage for personal car use to and from the out-of-town location of the city requested examination based on the same criteria as for other travel reimbursements.

## **2.5 BEREAVEMENT LEAVE**

When a death occurs in an employee's immediate family (see Section 15.2.6 of the Personnel Rules and Regulations for definition of "immediate family"), the employee shall be granted necessary time off of up to three consecutive work days, with compensation, for the purpose of attending the funeral and/or to personal affairs. In the event of unusual travel time requirements, the City Manager may approve up to a total of five workdays. Proof of relationship and/or death may be required.

## **2.6 JURY DUTY**

Any employee summoned to serve on jury duty during an on-duty day shall be entitled to leave of absence with full pay for such period of time as he/she may be required to attend the court in response to such summons. The employee may retain such payment as may be allowed for travel,

lodging and meal expenses. The employee shall not be required to submit to the City compensation received from the court for jury duty in order to receive full pay and expenses referenced above.

## **2.7 LEAVE OF ABSENCE WITHOUT PAY**

The City Manager may grant leaves of absence for a maximum of ninety (90) working days, without pay to any employee if the circumstances of the particular case warrant.

## **SECTION 3.0 HEALTH, DENTAL, VISION, LONG TERM DISABILITY, LIFE INSURANCE, DEFERRED COMPENSATION, RETIREMENT AND CAFETERIA PLAN**

### **3.1 HEALTH, DENTAL AND VISION INSURANCE**

- A. For purposes of this Section, the following definitions shall apply:
1. Legally Separated — A court action separating an employee from his/her spouse. This definition shall be used for the sole purpose of City covered health insurance purposes. The Insurance Provider shall determine if the separated spouse is eligible for coverage under the City Health Plan(s).
  2. Domestic Partner — A domestic partner as defined under California Family Code section 297.
- B. Health and Dental Insurance
1. City shall provide health and dental insurance plans for employees and shall make such plan available for any dependents. The Insurance Provider shall determine if a legally separated spouse is eligible for coverage under the City's group health and dental plans.
  2. Effective July 1, 2012, the City shall pay 80% and the employee shall pay 20% of the premiums required for the health and dental plans.
  3. Employees enrolled in the High Deductible Health Plan will receive a total benefit allowance equal to 80% of the premium for the "traditional" health plan for payment of the High Deductible Health Plan premium with the balance, if any, to be paid into a Health Savings Account. Employees may choose to contribute additional funds to a Health Savings Account on a pre-tax basis via payroll deductions in accordance with IRS guidelines.
- C. Eligible employees may elect to opt-out of the City-sponsored medical and/or dental plans, in which case the employee will receive a payment of \$200 per pay period if opting out of both medical and dental coverages and a pro-rated amount if opting out of only one type of coverage. Opt-out payments will be paid to the employee as taxable income. To be eligible, employees must provide proof of other comparable coverage, and the opt-out shall be effective for the employee and any eligible dependents.
- D. Vision Plan
1. The City shall provide a vision care program for both employee and dependents as defined under the medical plan. The premium cost of said plan is paid entirely by the City.
  2. Where and when the wearing of safety glasses is mandatory, the City shall provide reimbursement of the actual cost of required prescription safety glasses up to a maximum of \$225 per fiscal year per employee, or \$450 every other fiscal year.

E. Health and Dental Insurance on Retirement

For purposes of this section, the term "retiree" is defined as:

*An employee who has a minimum of ten (10) years of consecutive employment with the City, whose last day of employment preceding retirement through the California Public Employee Retirement System (CalPERS) was with the City, who immediately begins receiving CalPERS benefits upon retirement from the City, and who continuously maintains retiree status with CalPERS.*

1. For employees hired on or before December 31, 1991:

- i) The City agrees to pay, for an eligible employee/retiree only, the costs of health and dental insurance in the City-approved plan(s) after retirement.
- ii) The City will make available health and dental insurance in the City-approved plan(s) for the spouse or domestic partner only of a retiree if retiree was married or in a domestic partnership at the time of retirement.
- iii) The City will pay the cost of spousal/partner health coverage based on the following schedule. Retirees must be at least sixty (60) years of age at retirement in order to receive this benefit. If an employee retires earlier than age 60 as allowed under the CalPERS retirement plan, the employee/retiree is responsible for 100% of the cost of spousal/partner health insurance coverage until the retiree reaches the age of sixty (60).

<b>Retiree Completed Years of Service</b>	<b>City-Paid Portion of Dependent Health Premiums</b>
10 Years	10%
11 Years	20%
12 Years	30%
13 Years	40%
14 Years	50%
15 Years	60%
16 Years	70%
17 Years	80%
18 Years	90%
19 Years	100%

- iv) Part-time employees/retirees eligible for this benefit shall receive the prorated cost of health and dental insurance in accordance with the City's Personnel Rules.
- v) The retiree is responsible for 100% of the cost of spousal/partner coverage in the City's dental plan.

2. For employees hired on or after January 1, 1992 but before July 1, 2003:

- i) The City agrees to pay, for an eligible employee/retiree only, the costs of health and dental insurance in the City-approved plan(s) after retirement.
- ii) Part-time employees/retirees eligible for this benefit shall receive the prorated cost of health and dental insurance in accordance with the City's Personnel Rules.

3. For employees hired on or after July 1, 2003 but before July 1, 2007:

- i) The City agrees to pay, for an eligible employee/retiree only, the costs of health and dental insurance in the City-approved plan(s) after retirement until the retiree reaches the minimum required age for Medicare eligibility, at

which time the City will only provide for a supplemental prescription drug plan or an equivalent benefit for the retiree only.

- ii) Part-time employees/retirees eligible for this benefit shall receive the prorated cost of health and dental insurance in accordance with the City's Personnel Rules.
4. For employees hired on or after July 1, 2007 but before July 1, 2011:
- i) The City agrees that employees/retirees only may remain on the City's health and dental insurance plans until retiree reaches minimum Medicare eligibility age. The retiree is responsible for the full cost of insurance premiums for retiree only coverage which shall be paid to the City in a timely manner.
5. For employees hired on or after July 1, 2011:
- i) Retirees are not eligible to participate in the City's post-employment health and dental insurance benefit plans.

### **3.2 LONG TERM DISABILITY INSURANCE**

- A. Exempt, at-will Executive employees covered under this Resolution may participate in the group long-term disability insurance program. For an overview of the plan see the certificate of insurance on file in the City Human Resources Office.
- B. The City shall pay half the cost of the program with the balance to be paid by employees, through payroll deduction.

### **3.3 LIFE INSURANCE**

The City agrees to provide a life insurance policy in the amount of \$150,000 for each Executive employee covered under this Resolution. The City agrees to pay all costs of such policies.

### **3.4 DEFERRED COMPENSATION**

The City agrees to continue in effect the deferred compensation plans approved by Resolution of the City Council. Participation is voluntary and no contribution is made by the City on the employee's behalf.

### **3.5 RETIREMENT**

- A. For employees hired prior to December 31, 2012, and employees hired on or after January 1, 2013, who are "Classic Employees" as defined by CalPERS, the City offers the 2% @ 55 CalPERS Retirement Plan for all Miscellaneous employees covered by this Resolution and the 2% @ 50 CalPERS Retirement Plan for all Safety employees covered by this Resolution. Effective July 1, 2018, each Classic Employee covered by this Resolution shall contribute an additional 1% towards the City's share of CalPERS premiums.
- B. For employees hired on January 1, 2013 or after, who are not "Classic Employees" as defined by CalPERS, the City offers the 2% @ 62 CalPERS Retirement Plan for all Miscellaneous Employees covered by this Resolution and the 2.7% @ 57 CalPERS Retirement Plan for all Safety Employees covered by this Resolution.

### **3.6 CAFETERIA PLAN ADMINISTRATIVE FEES**

The City shall pay the administrative costs for employees enrolled in the cafeteria plan.

**SECTION 4.0      PHYSICAL EXAMINATIONS**

Exempt at-will Executive employees covered by this Resolution may undergo annual physical examinations. The City will reimburse any costs associated with deductible and co-pays. The employee must submit a copy of the health insurance explanation of benefits to the Human Resources Office for reimbursement of co-pays and deductibles.

**SECTION 5.0      SEVERANCE PAY**

All Executive employees covered by this Resolution are at-will and serve at the pleasure of the City Manager. The City Manager retains the authority to terminate any exempt at-will Executive employee at any time with or without notice or cause.

Any exempt at-will Executive employee who is terminated after at least one year of employment during such time as that employee is willing and able to perform their duties, shall receive a lump sum payment equal to two months aggregate salary in exchange for a general release in a form approved by the City Attorney and executed by the employee. If the exempt at-will Executive employee is terminated for cause, the City shall have no obligation to pay severance pay.

**SECTION 6.0      DUES AND SUBSCRIPTIONS, PROFESSIONAL AND OFFICIAL TRAVEL AND GENERAL EXPENSES**

- A. In order to provide the necessary support for each exempt at-will Executive employee to perform the necessary functions of their job duties, the City will pay for the costs of dues and subscriptions for professional/technical licensing and association membership as required and approved by the City Manager.
- B. The City will pay the travel and subsistence expenses of exempt at-will Executive employees for travel, meetings and occasions required to pursue the official business of the City in accordance with the City's AB 1234 Expense Reimbursement Policy and subject to approval by the City Manager.
- C. The City shall cover costs for non-personal, job-related expenses incurred by exempt at-will Executive employees in the course of employment. All such expenses shall be reimbursed or paid in accordance with the City's AB 1234 Expense Reimbursement Policy and subject to approval by the City Manager.
- D. The City shall provide a vehicle for the exclusive use of the Police Chief who is required to respond on short notice to a variety of operational incidents and emergencies. This position shall not be eligible to receive reimbursement for use of a personal vehicle at all times when the City vehicle is available for use.

**SECTION 7.0      AUTOMOBILE USE AND TRAVEL REIMBURSEMENT**

- A. In those instances, where a City vehicle is not available for use and the employee is required to use his/her private vehicle on City business, travel expense reimbursement shall be at the rate allowed by the Internal Revenue Service for mileage driven on City business.
- B. Prior to the use of their private vehicle, employees must provide the City with a certificate of insurance, on the form provided by the City, which evidences that employee has comprehensive

automobile liability insurance or business automobile liability insurance in an amount at least equal to the minimum requirements established by the City's liability insurance provider.

- C. Employees shall be reimbursed for expenses incurred while on assignment outside the Fort Bragg area as follows:
1. Lodging: Maximum of \$175.00 per night, which shall include local taxes, but exclude tips, porter's fees, room service, movies, valet, etc.
    - i. When traveling to a high cost area, the City Manager may approve a higher maximum than shown above.
    - ii. When an employee lodges at a hotel/motel at which the training program/meeting/seminar is being conducted, the employee shall be reimbursed for actual lodging costs if higher than the amount above. Approval of the Department Head or City Manager is required.
    - iii. Receipts are required for all lodging costs.
    - iv. When shared by others, only a pro rata share of the cost will be reimbursed. When furnished by a government agency or other source, or otherwise obtained without cost, (i.e. lodging with friends or relatives) there shall be no reimbursement.
  2. Meals: Per diem allowances for meals shall be provided and employees shall be eligible to claim for breakfast per diem (\$20.00) if they are in travel status as of 6:00 a.m.; employees shall be eligible to claim for lunch per diem (\$25.00) if they are in travel status between the hours of 11:00 a.m. and 2:00 p.m.; employees shall be eligible to claim for dinner per diem (\$35.00) if they are in travel status as of 6:00 p.m.
    - i. If some meals are furnished when traveling on a per diem, they may not be claimed and/or they will be deducted at the basic rate as provided above.
  3. Rental Cars: Size of rental cars must be justified if larger than compact. When using a rental vehicle, employee must keep log of daily mileage and pay for any mileage charge when car is used for personal business.
  4. First Class Travel: First class travel cannot be used, unless the additional cost is paid by the employee.
  5. Tickets: Copy of tickets used for travel must always be furnished with claim.
  6. Fitness for Duty Examinations: City will pay mileage for personal car use to and from the out-of-town location of a City-requested examination based on the same criteria as for other travel reimbursements.

## **SECTION 8.0      EDUCATION INCENTIVE**

- A. No exempt at-will Executive employee covered by this Resolution shall receive any additional pay as an educational bonus or "certificate pay."
- B. The City shall make available \$950 annually for each exempt at-will Executive employee covered by this Resolution for purpose of continuing education and/or professional training. The annual training allowance may be accumulated to a maximum of \$1,900 and should be included in the departmental budget during the budget process when planning for training and professional development. The training allowance may be used for training and expenses incurred in obtaining training. Requests must be approved by the City Manager prior to incurring expenses. Reimbursement will be made upon evidence of successful completion of the training or class.

## **SECTION 9.0      HOURS OF WORK**

- A. Salaries approved for exempt at-will Executive employees recognize the advanced level of skills possessed by these employees, the high level of responsibility delegated to these employees and the potential for longer working hours necessitated by meeting attendance, response to emergency situations, and attendance at court and/or the necessity for meeting project deadlines.
  
- B. There is no specific compensation for hours worked beyond the minimum work week of forty (40) hours. The following shall serve as basic guidelines to be used in the management of exempt at-will Executive employee work hours:
  - 1. Exempt at-will Executive employees shall be expected to attend City Council and other evening or weekend meetings and activities as may be required by their job duties. Executive employees shall not receive compensatory time off or additional compensation in any other form for attendance at such meetings/activities.
  - 2. All employees covered under this Resolution are exempt at-will Executive employees and are, therefore, exempt from overtime payment under the Fair Labor Standards Act.
  - 3. All employees covered under this Resolution shall be eligible to use Executive Leave during the calendar year as provided in Section 2.1 of this Resolution or to adjust work days and hours in recognition of extended hours worked.
  
- C. In recognition that exempt at-will Executive employees are often required to attend early morning, lunch, and evening meetings and due to the fact that their work is result oriented without a specific work week, a system of flexible time is available for their use. Exempt at-will Executive employees may work prior to the regular starting time or beyond the regular ending time, or may occasionally take an extended lunch or may work a weekend in lieu of a workday. However, it is expected that exempt at-will Executive employees shall work a minimum of eighty (80) hours per pay period, plus any additional work time reasonably required to discharge the duties and responsibilities of the position.

## **SECTION 10.0      EQUIPMENT PURCHASE LOAN PLAN**

All exempt at-will Executive employees covered by this Resolution shall have the option of entering into an equipment purchasing loan plan with the City, which may be utilized to assist the employee to purchase equipment that may be used, both on or off duty, to improve the employee's job performance. This plan has the following limitations:

- A. The loan total shall not exceed \$3,000.
  
- B. Employee cannot add to an existing loan without the recommendation and express permission of the City Manager.
  
- C. Employee agrees to pay an interest rate equal to the Local Agency Investment Fund (LAIF) rate paid to the City, as of the date of the loan, plus .25 percent.
  
- D. Loans shall be repaid via payroll deductions. Loans of less than \$1,000 shall be repaid in twenty-six equal installments. Loans of \$1,000 or more but less than \$2,000 shall be repaid in fifty-two equal installments. Loans of \$2,000.00 or more shall be repaid in seventy-eight equal installments. In no case shall deductions be more than \$50 per paycheck, except in the event of separation when the balance of the loan will be deducted from the final



paycheck. The employee shall provide documentation, such as an invoice or receipt, prior to issuance of the loan, to serve as proof of purchase.

- E. Employee shall sign a payroll deduction authorization form for the amount calculated by the Finance Department.
- F. Employee shall receive approval prior to the purchase of any equipment for which this program is anticipated.
- G. Once all necessary documentation has been supplied and the employee signs all equipment loan documents, issuance of the loan will be processed within fourteen (14) days of final approval of all approved paperwork.

**SECTION 11.0      UNIFORM ALLOWANCE**

Pursuant to City Council Resolution 2764-2004, the Police Chief will receive the uniform allowance as provided to police officers.

**SECTION 12.0      RELATIONSHIP TO PERSONNEL REGULATIONS**

The terms and conditions of employment as delineated above are in addition to the provisions of the City's "Personnel Rules and Regulations of the City of Fort Bragg" as adopted by Resolution 4341-2021 and as amended from time to time. Should a conflict exist between this Resolution and Resolution 4341-2021, the provisions in this Resolution, or its successor, shall prevail.

**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 8<sup>th</sup> day of August, 2022, by the following vote:**

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**
- RECUSED:**

\_\_\_\_\_  
**Bernie Norvell,  
Mayor**

**ATTEST:**

\_\_\_\_\_  
**June Lemos, MMC  
City Clerk**

## CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

Effective 07.03.2022 Resolution 4409-2021 incorporating 3% cost of living adjustment for Exempt At Will Executive classifications.

	Step 1	Step 2	Step 3	Step 4	Step 5
<b>Assistant City Manager (Executive; At-Will)</b>					
Hourly	49.29	51.75	54.34	57.06	59.91
Bi-Weekly	3,943.20	4,140.00	4,347.20	4,564.80	4,792.80
Monthly	8,543.60	8,970.00	9,418.93	9,890.40	10,384.40
Annual	102,523.20	107,640.00	113,027.20	118,684.80	124,612.80
<b>Director of Community Development Department (Executive; At Will)</b>					
Hourly	49.29	51.75	54.34	57.06	59.91
Bi-Weekly	3,943.20	4,140.00	4,347.20	4,564.80	4,792.80
Monthly	8,543.60	8,970.00	9,418.93	9,890.40	10,384.40
Annual	102,523.20	107,640.00	113,027.20	118,684.80	124,612.80
<b>Director of Public Works (Executive; At Will)</b>					
Hourly	49.29	51.75	54.34	57.06	59.91
Bi-Weekly	3,943.20	4,140.00	4,347.20	4,564.80	4,792.80
Monthly	8,543.60	8,970.00	9,418.93	9,890.40	10,384.40
Annual	102,523.20	107,640.00	113,027.20	118,684.80	124,612.80
<b>Director of Finance/City Treasurer (Executive; At Will)</b>					
Hourly	49.29	51.75	54.34	57.06	59.91
Bi-Weekly	3,943.20	4,140.00	4,347.20	4,564.80	4,792.80
Monthly	8,543.60	8,970.00	9,418.93	9,890.40	10,384.40
Annual	102,523.20	107,640.00	113,027.20	118,684.80	124,612.80
<b>Police Chief (Executive; At Will)</b>					
Hourly	69.19	72.65	76.28	80.09	84.09
Bi-Weekly	5,373.60	5,812.00	6,102.40	6,407.20	6,727.20
Monthly	11,642.80	12,592.67	13,221.87	13,882.27	14,575.60
Annual	139,713.60	151,112.00	158,662.40	166,587.20	174,907.20



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 22-393

---

**Agenda Date:** 8/8/2022

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 5G.

Adopt City Council Resolution Establishing a Compensation Plan and Terms and Conditions of Employment for Non-Bargaining and Confidential Classifications

The resolution is for a three-year term and establishes the following changes to compensation and benefits:

1. Effective July 1, 2022, each employee covered by this agreement shall receive a 4% Cost of Living Adjustment
2. Effective July 1, 2022, each employee covered by this agreement shall receive a \$2,000 one-time payment
3. All other benefits terms and conditions will be provided and administered as provided for Fort Bragg Employee Organization employees

**RESOLUTION NO. \_\_\_\_-2022**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL ESTABLISHING A  
COMPENSATION PLAN AND TERMS AND CONDITIONS OF EMPLOYMENT  
FOR NON-BARGAINING AND CONFIDENTIAL, NON-EXEMPT EMPLOYEES**

**WHEREAS**, it is the desire of the Fort Bragg City Council to provide an adequate level of compensation and to enumerate the benefits and conditions of employment for non-bargaining and confidential, non-exempt classifications; and

**WHEREAS**, non-bargaining and confidential, non-exempt classifications covered by this Resolution are as follows: Administrative Analyst; Human Resources Analyst; and Systems Analyst; and

**WHEREAS**, the classifications covered by this Resolution are non-exempt, are a part of the Personnel Merit System, and unless otherwise defined in this Resolution, shall receive all benefits received by members of the Fort Bragg Employee Organization (FBEO);

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does establish compensation and affirm benefits effective July 1, 2022 through June 30, 2025 for non-bargaining and confidential, non-exempt employees as follows:

**SECTION 1.0        SALARY COMPENSATION**

**1.1        SALARY SCHEDULE FOR NON-BARGAINING AND CONFIDENTIAL, NON-EXEMPT CLASSIFICATIONS**

A. The salary ranges for the non-bargaining, confidential non-exempt classifications shall be as follows:

<b>Position</b>		<b>Annual Salary Range</b>
		<b>Effective pay period beginning July 4, 2022</b>
1	Administrative Analyst	\$55,556.80-\$67,537.60
2	Human Resources Analyst	\$55,556.80-\$67,537.60
3	System Analyst	\$61,838.40-\$75,171.20
4	Systems Analyst - Lead	\$69,160.00-\$84,052.80

The salary ranges established for non-bargaining, confidential, non-exempt classifications incorporate a cost of living adjustment effective July 4, 2022, of 4%. In addition, effective the first full pay period beginning July 1, 2022, employees covered by this agreement shall receive on their regular paycheck a one-time payment of \$2,000 paid to the employee as taxable income to the extent required by law.

B. Effective the first full pay period after July 1, 2023, each employee covered by this Resolution shall receive a minimum COLA equal to 2% of his or her base salary. If General Fund tax revenues for the first two quarters (July 1, 2022 through December 31, 2022) of Fiscal Year

(FY) 2022-23 increase by at least 2.5% but not more than 3.0% over the same period in the prior year, each employee covered by this Resolution will receive an additional COLA of 0.5% of his or her base salary. If General Fund tax revenues for the first two quarters (July 1, 2022, through December 31, 2022) of Fiscal Year (FY) 2022-23 increase by 3.0% or more over the same period in the prior year, each employee covered by this Resolution will receive an additional COLA of 1.0% of his or her base salary. The maximum COLA any employee covered by this Resolution may receive is 3% of his or her base salary. General Fund tax revenues include Property Taxes, Sales Taxes, Transient Occupancy Taxes (TOT) and Franchise Taxes accounted for in the City's General Fund.

- C. Effective the first full pay period after July 1, 2024, each employee covered by this Resolution shall receive a minimum COLA equal to 2% of his or her base salary. If General Fund tax revenues for the first two quarters (July 1, 2023 through December 31, 2023) of FY 2023-24 increase by at least 2.5% but not more than 3.0% over the same period in the prior year, each employee covered by this Resolution will receive an additional COLA of 0.5% of his or her base salary. If General Fund tax revenues for the first two quarters (July 1, 2023 through December 31, 2023) of FY 2023-24 increase by 3.0% or more over the same period in the prior year, each employee covered by this Resolution will receive an additional COLA of 1.0% of his or her base salary. The maximum COLA any employee covered by this Resolution may receive is 3% of his or her base salary. General Fund tax revenues include Property Taxes, Sales Taxes, Transient Occupancy Taxes (TOT) and Franchise Taxes accounted for in the City's General Fund.

**SECTION 2.0        RETIREMENT**

- A. For employees hired prior to December 31, 2012, and employees hired on or after January 1, 2013, who are "Classic Employees" as defined by CalPERS, the City offers the 2% @ 55 CalPERS Retirement Plan for all Miscellaneous employees covered by this Resolution. Effective July 1, 2018, each Classic Employee covered by this Resolution shall contribute an additional 1% towards the City's share of CalPERS premiums.
- B. For employees hired on January 1, 2013 or after, who are not "Classic Employees" as defined by CalPERS, the City offers the 2% @ 62 CalPERS Retirement Plan for all Miscellaneous Employees covered by this Resolution.

**SECTION 3.0        OTHER BENEFITS**

All other benefits terms and conditions will be provided and administered as provided for Fort Bragg Employee Organization employees.

**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 August 8, 2022, by the following vote:**

**AYES:  
NOES:  
ABSENT:**

**ABSTAIN:  
RECUSED:**

---

**BERNIE NORVELL**  
Mayor

**ATTEST:**

---

**June Lemos, MMC**  
City Clerk

## CITY OF FORT BRAGG SALARY RATE COMPENSATION PLAN

Effective 07.03.2022 Resolution XXXX-2022 incorporating 4% cost of living adjustment for Confidential/Non-Bargaining classifications.

				Step 1	Step 2	Step 3	Step 4	Step 5
<b>Administrative Analyst (Confidential; Non-Bargaining)</b>								
Hourly				26.71	28.05	29.45	30.92	32.47
Bi-Weekly				2,136.80	2,244.00	2,356.00	2,473.60	2,597.60
Monthly				4,629.73	4,862.00	5,104.67	5,359.47	5,628.13
Annual				55,556.80	58,344.00	61,256.00	64,313.60	67,537.60
<b>Human Resources Analyst (Confidential; Non-Bargaining)</b>								
Hourly				26.71	28.05	29.45	30.92	32.47
Bi-Weekly				2,136.80	2,244.00	2,356.00	2,473.60	2,597.60
Monthly				4,629.73	4,862.00	5,104.67	5,359.47	5,628.13
Annual				55,556.80	58,344.00	61,256.00	64,313.60	67,537.60
<b>Systems Analyst - Lead (Confidential; Non-Bargaining)</b>								
Hourly				33.25	34.91	36.66	38.49	40.41
Bi-Weekly				2,660.00	2,792.80	2,932.80	3,079.20	3,232.80
Monthly				5,763.33	6,051.07	6,354.40	6,671.60	7,004.40
Annual				69,160.00	72,612.80	76,252.80	80,059.20	84,052.80
<b>Systems Analyst (Confidential; Non-Bargaining)</b>								
Hourly				29.73	31.22	32.78	34.42	36.14
Bi-Weekly				2,378.40	2,497.60	2,622.40	2,753.60	2,891.20
Monthly				5,153.20	5,411.47	5,681.87	5,966.13	6,264.27
Annual				61,838.40	64,937.60	68,182.40	71,593.60	75,171.20



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 22-394

---

**Agenda Date:** 8/8/2022

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 5H.

Adopt Joint City Council/Municipal Improvement District Resolution Approving Budget Amendment 2022/23-01 Amending Fiscal Year 2022/23 Budget for Cost of Living Adjustment Increases and One-Time Payments to the Employee Organizations



**RESOLUTION NO. \_\_\_\_-2022**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL**

**and**

**RESOLUTION NO. ID \_\_\_\_-2022**

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

**ADOPTING BUDGET AMENDMENT 2022/23-01  
AMENDING FY 2022/23 BUDGET**

**WHEREAS**, on June 27, 2022, the Fort Bragg City Council and the Fort Bragg Municipal Improvement District No. 1 District Board adopted the Fiscal Year (FY) 2022/23 Budget; and

**WHEREAS**, on July 25, 2022, the Fort Bragg City Council approved the Memorandum of Understanding with the Fort Bragg Employee Organization/Service Employees International Union Local 1021 authorizing a Cost of Living Adjustment of four percent (4%) effective July 1, 2022 and a Two Thousand (\$2,000) one-time payment are identified in Exhibit A attached hereto; and

**WHEREAS**, a three percent (3%) Cost of Living Adjustment has been adopted in the FY 2022/23 Budget for the Fort Bragg Employee Organization/Service Employees International Union Local 1021; and

**WHEREAS**, on July 25, 2022, the Fort Bragg City Council directed the Assistant Finance Director to prepare a budget amendment to fund the additional Cost of Living Adjustments and one-time payment to the Employee Organizations consisting of the Fort Bragg Employee Organization (FBEO/SEIU), Confidential Non-Bargaining Classifications, Exempt At-Will Executive Management Classifications and Exempt Mid-Management Classifications; and

**WHEREAS**, on August 9, 2021, the Fort Bragg City Council approved the Memorandum of Understanding with the Fort Bragg Police Association authorizing a Cost of Living Adjustment effective July 1, 2022 of three percent (3%) are identified in Exhibit A attached hereto; and

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

**WHEREAS**, based on all the evidence presented, the City Council/District Board finds as follows:

1. Certain adjustments to the FY 2022/23 Budget are necessary as shown in Exhibit A.
2. There are sufficient funds to fund the allocations.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg/District Board of the Fort Bragg Municipal Improvement District No. 1 does hereby amend the previously adopted FY 2022-23 Budget to incorporate the changes enumerated in Exhibit A.

**The above and foregoing Resolution was introduced by Council/Board Member**

\_\_\_\_\_, seconded by Council/Board Member \_\_\_\_\_, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg/District Board of the Fort Bragg Municipal Improvement District No. 1 held on the 8th day of August, 2022, by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**  
**RECUSED:**

---

**Bernie Norvell**  
**Mayor/Chair**

**ATTEST:**

---

**June Lemos, MMC**  
**City/District Clerk**

**BUDGET AMENDMENT FY 2022/23**

Budget Adjustment #: **2022/23-01**

Budget FY: **FY 2022/23**

Account Description	Account #			FY 22/23	Increase (+)	Decrease (-)	Revised Total	Description
				Current Budget	Budget Amt	Budget Amt	Budget Amt	
<b>Expenditures</b>								
Salaries & Wages	110	4130	0101	\$ 631,197	\$ 15,812		\$ 647,009	1% COLA SEIU, 1% COLA Non-Bargaining & \$2k one-time payment. 1% COLA for Mid-Management and a \$1,500 onetime for Executives
Salaries & Wages	110	4150	0101	\$ 348,614	\$ 10,986		\$ 359,600	1% COLA SEIU & \$2k one-time payment. 1% COLA for Mid-Management and a \$1,500 one time.
Salaries & Wages	110	4200	0101	\$ 1,815,264	\$ 50,441		\$ 1,865,705	1% COLA SEIU & \$2k one-time payment. 3% COLA FBPA
Salaries & Wages	110	4320	0101	\$ 291,046	\$ 8,910		\$ 299,956	1% COLA SEIU & \$2k one-time payment. 1% COLA for Mid-Management and a \$1,500 one time.
Salaries & Wages	110	4330	0101	\$ 454,200	\$ 17,552		\$ 471,753	1% COLA SEIU, 1% COLA Non-Bargaining & \$2k one-time payment. 1% COLA for Mid-Management and a \$1,500 onetime for Executives
Salaries & Wages	110	4570	0101	\$ 225,848	\$ 18,413		\$ 244,261	1% COLA SEIU, 1% COLA Non-Bargaining & \$2k one-time payment. 1% COLA for Mid-Management and a \$1,500 onetime for Executives
<b>Total General Fund</b>				<b>\$ 3,766,170</b>	<b>\$ 122,114</b>	<b>\$ -</b>	<b>\$ 3,888,284</b>	
Salaries & Wages	521	4394	0101	\$ 120,489	\$ 3,204		\$ 123,693	1% COLA Non-Bargaining & \$2k one-time payment.
Salaries & Wages	522	4550	0101	\$ 66,886	\$ 2,669		\$ 69,555	1% COLA & \$2k one-time payment
Salaries & Wages	710	4712	0101	\$ 466,269	\$ 12,651		\$ 478,920	1% COLA SEIU & \$2k one-time payment. 1% COLA for Mid-Management and a \$1,500 one time.
Salaries & Wages	610	4610	0101	\$ 390,965	\$ 11,151		\$ 402,116	1% COLA SEIU & \$2k one-time payment.
<b>Total Expenditures</b>				<b>\$ 4,810,778</b>	<b>\$ 151,789</b>	<b>\$ -</b>	<b>\$ 4,962,567</b>	
<b>Revenue</b>								
<b>Total Revenue</b>								

**Reason for Amendme** RESOLUTION # : \_\_\_\_\_

Budget Amendment to reflect COLA and one-time payment

**Authorization:**

Requested By: Finance/Admin Dept      **Signature:** \_\_\_\_\_      **Date:** \_\_\_\_\_

Approval: Isaac Whippy      \_\_\_\_\_      \_\_\_\_\_

Finance Use: Adriana Moreno Ramos      \_\_\_\_\_      \_\_\_\_\_

**Attach copies of Resolution or other documentation**



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 22-395

---

**Agenda Date:** 8/8/2022

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 5I.

Adopt City Council Resolution Approving Operating Agreement Between the City of Fort Bragg and the Mendocino Coast Recreation and Park District for Operation of the C.V. Starr Community Center and Authorizing City Manager to Execute Same

**RESOLUTION NO. \_\_\_\_-2022**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING OPERATING AGREEMENT BETWEEN CITY OF FORT BRAGG AND MENDOCINO COAST RECREATION AND PARK DISTRICT FOR OPERATION OF THE C.V. STARR COMMUNITY CENTER AND AUTHORIZING CITY MANAGER TO EXECUTE SAME**

**WHEREAS**, on June 26, 2017, the Fort Bragg City Council adopted Resolution No. 4012-2017 authorizing execution of the "Operating Agreement by and between the City of Fort Bragg and the Mendocino Coast Recreation and Park District ("District") for the C.V. Starr Community Center" ("Operating Agreement") for the operation and management of the C.V. Starr Community Center including the Sigrid & Harry Spath Aquatic Facility and surrounding property as defined in Exhibit A of the Operating Agreement ("Premises"), and said Agreement expires on June 30, 2022; and

**WHEREAS**, on June 10, 2022, the Operating Agreement was renewed in order for the District to operate and manage the Premises through August 31, 2022; and

**WHEREAS**, on July 1, 2022, the District Administrator and City Staff met to review the Operating Agreement, and consensus was reached on a new Operating Agreement for the C.V. Starr Community Center ("CVSCC"); and

**WHEREAS**, on September 1, 2022, the City of Fort Bragg shall be responsible for the day-to-day financial operations relating to financial transactions for payroll costs, budgeting, accounts payable, accounts receivable, and other financial operations, previously managed by the CVSCC; and

**WHEREAS**, the District Board authorized its District Administrator to execute a new Operating Agreement for the CVSCC for a term of three years, which will expire on June 30, 2025; and

**WHEREAS**, the new Operating Agreement is attached as "Exhibit A" and incorporated herein by reference; and

**WHEREAS**, the Operating Agreement is a project for purposes of the California Environmental Quality Act ("CEQA") but is categorically exempt pursuant to Title 14 of the California Code of Regulations, Section 15323 as the Agreement allows for the normal operations of an existing public recreational facility and the Operating Agreement would not result in a foreseeable change in the operation of the facility; and

**WHEREAS**, funds in the amount of \$2,502,874 are appropriated in the FY 2022/23 Budget for the CVSCC and sufficient funds will be available for the services.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby approve the Operating Agreement by and between the City of Fort Bragg and the Mendocino Coast Recreation and Park District for the C.V. Starr Community Center and authorizes the City Manager to execute same.

**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 August 8, 2022, by the following vote:**

**AYES:**

**NOES:**

**ABSENT:  
ABSTAIN:  
RECUSED:**

---

**BERNIE NORVELL**  
Mayor

**ATTEST:**

---

**June Lemos, MMC**  
City Clerk

**OPERATING AGREEMENT BY AND BETWEEN THE CITY OF FORT BRAGG  
AND THE MENDOCINO COAST RECREATION AND PARK  
DISTRICT FOR THE C.V. STARR COMMUNITY CENTER**

This Operating Agreement (“Agreement”) is made this 1st day of September, 2022, by and between the City of Fort Bragg, a California general law city (“City”), and the Mendocino Coast Recreation and Park District, a California Recreation and Park District organized under the California Public Resources Code, Section 5780 et seq. (“District”) for the operation of the C.V. Starr Community Center.

**Recitals**

**WHEREAS**, on March 6, 2012, voters in the City of Fort Bragg passed Measure A which enacted Ordinance No. 902-2012 authorizing the City of Fort Bragg to levy a half-cent sales tax to make funds (“Sales Tax Revenues”) available for the operation and maintenance of the C.V. Starr Community Center including the Sigrid & Harry Spath Aquatic Facility and surrounding property as further described in Exhibit A (“Premises”); and

**WHEREAS**, the Ordinance established that, prior to levying the sales tax, the parties must enter into a property tax sharing agreement and title to the Premises must be transferred to the City; and

**WHEREAS**, the parties have entered into a property tax sharing agreement that allows the City to allocate certain revenues (“Property Tax Revenues”) for the operation and maintenance of the C.V. Starr Community Center; and

**WHEREAS**, the City took title to the Premises on May 14, 2012 and on May 9, 2012 entered into an Agreement with the District for the operation and management of the Premises to provide recreational services and activities for the health and welfare of City residents and others in the Mendocino coast region; and

**WHEREAS**, on September 30, 2013, the Agreement was extended with modifications, in order for the District to operate and manage the Premises in fiscal year 2013/2014; and

**WHEREAS**, on June 23, 2014, the Agreement was renewed with modifications, in order for the District to operate and manage the Premises through June 30, 2017 and again through June 30, 2022; and

**WHEREAS**, the parties wish to enter into a new Operational Agreement with modifications and additional provisions for a three-year term; and

**WHEREAS**, the District has authority under the Public Resources Code and other applicable law to organize, promote, conduct, and advertise programs of community recreation that improve a community's quality of life, establish systems of recreation and recreation facilities, maintain and operate recreation facilities, and contract with other public agencies to provide recreation facilities and programs of community recreation within the District's boundaries; and

**WHEREAS**, the City has authority under the Government Code and other applicable law to contract with any other local agency for the performance of municipal services or functions within the City; and

**WHEREAS**, the District represents and warrants that it is fully qualified and authorized to perform the services described in this Agreement by virtue of its specialized experience and

training, education and expertise and further represents that it is willing to accept responsibility for performing such services in accordance with the terms and conditions set forth in this Agreement; and

**WHEREAS**, the Board of Directors of the District on \_\_\_\_\_, by minute action, authorized execution of this Agreement on behalf of the District; and

**WHEREAS**, the City Council of the City on August 8, 2022, by Resolution No. \_\_\_\_-2022, authorized execution of this Agreement on behalf of the City;

**NOW, THEREFORE**, the City and the District, for the consideration hereinafter described, mutually agree as follows:

### **Agreement**

1. Premises.

City authorizes the District to operate, control, and maintain the Premises and the District agrees to accept the Premises, including all structures, buildings and facilities covered by this Agreement within the property boundary described in Exhibit "A", and take the same in their present condition "AS IS" with all faults, and agrees to maintain the same in a safe condition, and, at any termination of this Agreement, to promptly turn back the same to the City in the same or better condition, reasonable wear and tear excepted. The City shall not be obligated to make any alterations, additions, or betterments to the Premises, except as otherwise provided for in this Agreement.

2. Term.

2.1 The term of this Agreement shall commence on September 1, 2022 and terminate at midnight on September 1, 2025, unless earlier terminated by either party as provided in Section 2.2 or extended as provided in Section 2.3.

2.2 Either party may request an early termination of this Agreement. Such a request must be made in writing, and must be made a minimum of six months in advance of the proposed termination date, unless the parties mutually agree in writing to a lesser time. Provided that such written request is timely made, termination shall occur upon the specified termination date. The parties acknowledge and agree that such a termination will require a substantial amount of time to accommodate ongoing obligations at the Premises and to enable full separation of responsibilities and obligations of the parties. The parties agree to cooperate reasonably one with the other in such an event to facilitate such a separation as expeditiously as possible.

2.3 This Agreement may be extended by the written mutual Agreement of the parties.

3. Use of Premises.

3.1 The District agrees to operate, control, and maintain the Premises for the use and enjoyment of the general public in accordance with all applicable Federal, State and City laws, regulations, and policies. The District shall not use or permit the Premises to be used in whole or in part during the term of this Agreement for any purpose other than as herein set forth without the prior written consent of the City.



3.2 Capital improvements to the facilities and structures on the Premises shall be subject to the approval of the City and shall be identified and approved in the Annual Budget along with a schedule for design, construction and completion. Prior to undertaking any capital improvement project, the parties shall confer on the methods and practices for contracting the work and reach Agreement on which party shall oversee the project. All projects shall be competitively bid in accordance with the California Public Contract Code. Title to all capital improvements shall immediately become vested in the City regardless of who constructs or oversees the project.

4. Management and Staffing.

4.1 The District Administrator shall efficiently administer and manage the day-to-day operation of the Premises in accordance with the terms and conditions of this Agreement. The District will consult with the City Manager prior to hiring any District Administrator and provide the City an opportunity to participate in the recruitment, evaluation and hiring of any District Administrator.

4.2 The District Administrator shall report directly to the District's Board of Directors and have authority over all staff hiring decisions as well as all performance review and disciplinary measures. The District Administrator shall submit hiring recommendations to the District Board for confirmation prior to issuing employment offers for key administrative positions (e.g., Business Manager, Recreation Supervisors, Maintenance Supervisor & Guest Services Supervisor). The District Administrator shall manage staff pursuant to applicable District personnel policies. Any such proposed changes shall be subject to the approval of the District Board.

4.3 The District Administrator will ensure that all Center staff are trained in all safety-related matters as required by law or appropriate for all services to be provided by the District. This includes pre-employment screening, fingerprinting, and criminal history checks as required by law.

4.4 The District Administrator shall meet as needed with City staff to review administrative and operational, and budgetary issues related to the operation of the Premises and also consult with City staff on the establishment of detailed fiscal procedures, controls, reporting and auditing requirements. By the last day of each quarter, the City Manager shall submit to the District Manager and District Board a monthly budget reconciliation for the previous month. The City shall submit a monthly budget for review by the District Board, MCRPD will put it in its monthly Board packet. The District may establish its own reporting requirements for the District Administrator.

4.5 The District Administrator will be responsible for

- (i) scheduling programs, activities, rentals and other uses of the Premises with the goal of maximizing use of the facility consistent with budgetary goals and constraints,
- (ii) proposing hours of operation subject to the approval of the District Board,

- (iii) ensuring the establishment of an effective promotion and marketing program for the Premises (including web-based advertising, social media, print media, special events, etc.),
- (iv) developing programs and opportunities for increasing patronage, and
- (v) working jointly with the City, and individually, to seek and secure grants or other sources of funding. He or she shall also reach out to, and identify opportunities to coordinate with other organizations in the local area including, but not limited to the Fort Bragg Unified School District, Mendocino Unified School District, Point Arena Unified School District, Mendocino College, Mendocino Coast District Hospital, Redwood Coast Senior Center, and local Chambers of Commerce.

4.6 At the request of the City, the District will provide the City the opportunity to provide input to the District on the performance of the District Administrator and to raise any issues of concern regarding his or her performance and the management and operation of the Premises.

4.7 The parties agree that there shall be no discrimination based upon race, color, creed, religion, gender, marital status, age, disability, national origin, sexual orientation, or ancestry, in any activity or membership offered pursuant to this Agreement.

5. Operating Manual.

The District Administrator, with the assistance of District and City staff, shall prepare, and keep regularly updated, an Operating Manual containing the day-to-day operating procedures and protocols for the Premises. The Operating Manual, and any subsequent substantive changes, shall be subject to prior review by the City Manager and the approval of the District Board with a current copy provided to the City at all times. All procedures and protocols contained in the Operating Manual shall conform and be consistent with all applicable City ordinances, regulations, rules and policies. The Operating Manual shall include, but not be limited to:

- Customer service procedures and protocols
- Facility use reporting requirements
- Daily and long-term maintenance requirements, inspection requirements, and preventative maintenance schedules
- Licensing and permitting requirements
- Energy efficiency protocols
- Security systems and procedures (including key control policy)
- Emergency action plan
- Illness, Injury and Prevention Plan
- Safety Program (OSHA protocols, hazard mitigation, safety practices, safety training, incident reporting procedures, etc.)
- Lifeguard and Pool policies and procedures for the Aquatic Facility
- Volunteer policies
- Policies and procedures for the Skate Park Facility, Dog Park, Outdoor Fitness & BBQ Area, and Petanque Courts

- Facility use and rental procedures/risk transference protocols, including provisions regulating alcohol consumption at special events on the premises
- Accessibility procedures and protocols compliant with the requirements of the Americans with Disabilities Act of 1990 and all related regulations, guidelines and amendments
- Solid waste disposal and recycling procedures for facility, including provisions for food-waste recycling at special events held at Premises

6. Programs.

The District shall provide, at a minimum, aquatics and fitness programs, enrichment classes, and special events at the C.V. Starr Center. The District and the City desire a seamless offering of such programs in Fort Bragg and for the C.V. Starr Center to be utilized to the maximum extent possible.

The District's Just For Kids, Assets, KUDOS, and Adult & Youth Sports programs shall remain independent District programs paid for out of separate District revenues not otherwise dedicated to this Agreement. The parties agree to consult with one another from time to time on whether these programs and others serving the Fort Bragg area should be brought within the framework of this Agreement.

Special events developed by the District to raise funds for the District, such as the Aquathon, the Coast Cup Soccer Tournament and the Jesse Ales Memorial Men's Softball Tournament, shall remain independent District fundraisers.

7. Grounds and Facilities.

7.1 Except as provided in this Agreement, the City shall retain all of its rights, title and interest, as such may appear, in the grounds, buildings, structures and all other improvements and equipment on the Premises. Subject to the approval of the District Administrator, equipment owned by organizations using the Premises (including the District) may be stored on the Premises and restricted to the use of the organization's members/guests. Such equipment shall be marked and clearly identifiable.

7.2 The cleanliness and sanitation of the Premises shall be a top priority. All buildings, facilities, and grounds shall be kept in a neat and clean condition at all times including appropriate containers through-out the Premises for non-recyclable and recyclable wastes. The District shall use reasonable means to ensure that recyclable wastes are separated and available for collection pursuant to the applicable terms and conditions of the City's current franchise agreement for such collection.

7.3 All equipment and furnishings on the Premises will be maintained in good working condition and any necessary maintenance and/or repairs shall be performed on a timely basis. Regular maintenance schedules shall be established and adhered to and regular reports regarding maintenance activities will be required to be maintained and available for inspection by City staff. The C.V. Starr Director shall promptly notify the City and District Board of any and all facility and/or equipment

maintenance, repair or replacement issues that arise which have not been identified and/or funded through the Annual Budget.

- 7.4 The District is responsible for maintaining its portion of any shared resources in accordance with the cost allocation methodology approved in the Annual Budget.
- 7.5 Meeting rooms shall be made available free of charge for use by City or District staff subject to availability.
- 7.6 The City retains the right to enter the Premises at any time to ensure the District's compliance with the terms and conditions of this Agreement and to exercise any of the rights granted to the City by this Agreement.

8. Budget and Funding.

- 8.1 The parties agree that it is the intent of the arrangement governed by this Agreement that the District shall operate and maintain the Premises pursuant to an annual budget ("Annual Budget") and fee schedule ("Fee Schedule") approved by the City Council. (For purposes of this Agreement, "fiscal year" shall mean the twelve consecutive months beginning July 1 of the year first referenced and ending June 30 of the year last referenced.)
  - a. For each fiscal year covered by this Agreement, the Annual Budget and Fee Schedule will be approved by the City Council prior to June 30 of the prior fiscal year.
  - b. In February or another agreed upon date of each year, the City Manager, in consultation with the City Council, and the District Administrator, in consultation with the District Board, shall develop budget assumptions related to the operating budget for the Premises for the following fiscal year. During this process, the District Administrator and City Staff shall work together regarding proposed changes to personnel costs (including but not limited to: new or changed job classifications, new staff positions, modifications to compensation schedules, modifications to employee benefits, cost of living adjustments, costs for employee training, compliance costs associated with updated public health or safety regulations and/or newly enacted statutes impacting workplace management, etc.).
  - c. Before March 15, or on another mutually-agreed upon date, the City Manager with input from the District Administrator and CV Starr Staff shall develop the proposed Annual Budget and Fee Schedule for presentation to the City Council and District Board at a joint workshop(s).
  - d. The City Manager shall review the proposed Annual Budget and Fee Schedule and authorize its submittal to the City Council for action to adopt the Annual Budget and Fee Schedule prior to presentation to the District Board.
  - e. The Annual Budget will include estimated revenues from activities, rentals, sales and other usage of the Premises, as well as projected Sales Tax and Property Tax Revenues. The Annual Budget will also include estimated line item costs and expenses related to the operation and maintenance of the Premises, including wages and benefits, program expenses, utilities

and overhead, general and administrative expenses, City costs for administration of this Agreement, and the provision of support services to the District, and operating, repair and maintenance, and capital improvement reserve funds.

- f. The Annual Budget will include a payment to the District equal to 2.0% of the Operating Revenue from the most recently audited annual financial statement (including general admission, discounts, rentals, registration, merchandise, and miscellaneous) as valuable consideration for the District's administration of this Agreement.
- g. The Fee Schedule will include rates for facility use, room rentals, programs, and services intended to encourage maximum use of the Premises while providing sufficient revenue to cover annual operating expenses.
- h. Free or discounted memberships and/or passes may be authorized as part of the Fee Schedule or as a separate addendum. Unless expressly authorized in the Annual Budget and Fee Schedule, free or discounted memberships and/or passes are prohibited.
- i. The proposed Annual Budget and Fee Schedule will be included in the City Manager's annual budget recommendation to the City Council and shall be subject to modification by the City Council prior to final approval by the Council at its sole discretion.

Once the Annual Budget and Fee Schedule are approved by the City Council, the City shall notify the District and the approved Annual Budget and Fee Schedule shall be implemented by the District Administrator for the upcoming fiscal year. The District shall be responsible for notifying the City of any anticipated cost overruns on a timely basis. The Annual Budget and Fee Schedule may be modified by the City Council, at its sole discretion, to address unanticipated expenses or revenue shortfalls.

- 8.2 The City will establish and administer an enterprise fund in which will be deposited the Sales Tax and Property Tax Revenues. The City shall be the account holder and administrator for all bank accounts associated with funding the operation of the C.V. Starr Center. Transfers from the enterprise fund to the operating accounts for the C.V. Starr Center shall be made by the City with the Consent of the District Administrator on an as needed basis solely for the purposes of carrying out its obligations under this Agreement in accordance with the Annual Budget. The City shall maintain a dedicated bank account, with the City and District each holding signatory authority, to hold all transferred Sales Tax and Property Tax Revenues and all revenues generated from its operation of the Premises. The City will operate the Premises as a stand-alone financial enterprise distinct from other City operations and will cause to be implemented separate payroll and accounting systems.

The intent of this Agreement is for the City shall be responsible for the day to day financial operations relating to all financial transactions for payroll costs and budgeting, accounts payable, accounts receivable, and other financial operations, previously managed by the C.V. Starr Finance Officer.

Certain resources are shared between the District and the CV Starr Center. Costs for shared resources are allocated according to an allocation plan which is adopted annually as part of the budget preparation and approval process.

All revenues transferred from the City enterprise fund to the designated bank account and all revenues generated by the District from its operation of the Premises shall be used for the maintenance, operation, and administration of the Premises. Any portion of such revenues that may exceed the costs of maintaining, operating, and administering the Premises as provided in this Agreement shall be remitted to the City to be used solely for the costs of (i) operating and maintaining the Premises, (ii) any capital improvements at the Premises, or (iii) other parks and recreation purposes within the City, or for deposit in the operating, repair and maintenance and/or capital reserve funds. The City will ensure that all Sales Tax Revenues are used in accordance with the limitations of Ordinance No. 902-2012 as approved by the voters.

- 8.3 The City and the District shall undertake a mid-year budget review process in which the City Manager will be responsible for providing a report to the City Council and District Board detailing all revenues received, costs incurred, and expenditures paid for the current fiscal year, as well as any estimated changes to the budget assumptions approved by the Council in the Annual Budget. The report shall also identify any new capital improvements not identified in the Annual Budget process as well as any additional information requested by the Council relating to the District's operation and maintenance of the Premises. After providing the report, the City Council may approve modifications or adjustments to the Annual Budget at its sole discretion.

9. Audits, Record Retention, and Inspection.

- 9.1 At all times during the term of this Agreement, the City shall keep separate, true, and complete books, records, and accounts of all income and fees received and expenditures made relating to the services being performed by the District hereunder. The parties understand and agree that they are public entities and, as such, are subject to various laws including, but not limited to, the California Public Records Act, and, as such, members of the public as well as representatives of governmental agencies have access to and the right to examine, audit, excerpt, copy or transcribe any pertinent transaction, activity, or other records of each party relating to this Agreement. Such material, including, but not limited to, all pertinent costs, accounting, and financial records shall be retained by each party for a period of at least five (5) years after their creation date.

10. Dispute Resolution.

- 10.1 Any dispute between the parties concerning the terms or conditions of this Agreement shall be resolved by the City Manager, the District Administrator, and if requested by the District, a representative of the District Board. If the parties cannot come to an agreement, the City Manager's decision shall be binding unless review is requested per Section 10.2.
- 10.2 If the City Council or District Board desire to review the City Manager's decision, the party desiring review shall notify the other party and an ad hoc committee will be formed consisting of two members of the City Council and two members of the District Board. The ad hoc committee shall have 45 days to make a recommendation.

10.3 If, after receiving the recommendation of the ad hoc committee, or 45 days following the formation of the committee if no such recommendation is made, either the City Council or District Board desire to submit the dispute to non-binding mediation, the party requesting mediation shall notify the other party. The mediation process will provide for the selection within 15 days by both parties of a disinterested third person as mediator, will be commenced within 30 days of the submittal, and will be concluded within 45 days from the commencement of the mediation unless a time requirement is extended upon the request of both parties. In the event of any dispute between the parties as to the accuracy of a party's books and records, the mediator may choose an independent auditor to conduct an investigation of the disputed matter.

11. Indemnification.

To the maximum extent permitted by law, the District shall, at its own expense, indemnify, defend with counsel acceptable to the City, (which acceptance will not be unreasonably withheld), and hold harmless City and its officers, officials, employees, agents and volunteers ("Indemnitees") from and against any and all liability, loss, damage, claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, civil penalties and fines, expenses and costs (including, without limitation, claims expenses, attorney's fees and costs and fees of litigation) (collectively, "Liability") of every nature, whether actual, alleged or threatened, arising out of or in connection with the District's, management of the facilities and programs, including without limitation its officers, officials, employees, agents, subcontractors, or volunteers, failure to comply with any of the terms of this Agreement.

The District's obligation to indemnify, defend and hold harmless under this provision shall not be excused because of the District's inability to evaluate potential Liability, or because the District evaluates Liability and determines that the District is not or may not be liable. The District must respond within 30 calendar days to any tender for defense and indemnity by the City, unless the time for responding is extended by an authorized representative of the City in writing. If the District fails to accept tender of defense and indemnity within 30 calendar days, in addition to any other remedies authorized by law, so much of the Sales Tax and Property Tax Revenues as shall reasonably be considered necessary by the City, may be retained by the City until disposition has been made of the matter subject to tender, or until the District accepts the tender, whichever occurs first.

The District waives any and all rights to express or implied indemnity against the Indemnitees concerning any Liability of the District arising out of or in connection with the District's failure to comply with any of the terms of this Agreement.

12. Insurance.

12.1 Before commencing performance of the Agreement, the District must: a) procure "occurrence coverage" insurance of the kinds and in the amounts specified below against claims for injuries to persons or damages to property that may arise from or in connection with the performance of this Agreement by the District or its agents, representatives, employees, or subcontractors; and b) submit to the City certificates of insurance and endorsements, or other comparable documentation, evidencing insurance coverage that meets the requirements of this section including naming the City, its officers, employees, agents and volunteers as additional insureds. The

coverage shall be primary as to any loss arising out of this Agreement. In the event the District participates in a public risk sharing pool, that pool shall provide evidence of coverage and shall provide City with an endorsement to the JPA Memorandum of Coverage adding the City as an additional covered party for the limits provided in this Agreement. An allocable portion of the District's costs for insurance required under this Agreement will be included in the Annual Budget.

- 12.2 The District must maintain the coverages required by this Agreement throughout the term. The District may not allow any subcontractor to commence work on the Premises until the District and/or the subcontractor have obtained all insurance required by this Agreement for the subcontractor(s) and submitted certificates of insurance and endorsements evidencing such coverage to City.
- 12.3 The District must maintain Workers' Compensation Insurance and Employer's Liability Insurance (EPLI) for any and all persons employed directly or indirectly by the District. Workers' Compensation Insurance as required by the State of California, with coverage providing Statutory Limits, and Employer's Liability Insurance with limits of not less than ONE MILLION DOLLARS (\$1,000,000.00) per occurrence must be provided. The insurance must be endorsed to waive all rights of subrogation against City and its officials, officers, employees, and volunteers for loss arising from or related to the services to be provided under this Agreement.
- 12.4 The District must maintain (i) Commercial General Liability insurance, or participate in a public risk-sharing pool, for the term of this Agreement in an amount not less than TWENTY-FIVE MILLION DOLLARS (\$25,000,000.00) per occurrence, combined single limit coverage for risks associated with its obligations under this Agreement and (ii) Automobile Liability insurance for the term of this Agreement in an amount not less than ONE MILLION DOLLARS (\$1,000,000.00) per occurrence, combined single limit coverage, for risks associated with its obligations under this Agreement. Such coverage shall include but shall not be limited to, protection against claims arising from bodily and personal injury, including death resulting therefrom, and damage to property resulting from activities contemplated under this Agreement, including the use of owned and non-owned automobiles.
- 12.5 Required commercial general coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 (ed. 11/88) or Insurance Services Office form number GL 0002 (ed. 1/73) covering comprehensive General Liability and Insurance Services Office form number GL 0404 covering Broad Form Comprehensive General Liability. Automobile coverage must be at least as broad as Insurance Services Office Automobile Liability form CA 0001 (ed. 12/90) Code 1 ("any auto"). No endorsement may be attached limiting the coverage.
- 12.6 Except for Workers' Compensation, all other insurance coverages required pursuant to this Agreement must include or be endorsed to include the following:
  - a. City and its officials, officers, employees, agents, and volunteers shall be additional covered as insureds with respect to each of the following: liability arising out of activities performed by or on behalf of the District, products and completed operations of the District; premises owned, occupied, or used by the District; and automobiles owned, leased, or used by the District. The coverage may contain no special limitations on the scope of



protection afforded to City or its officials, officers, employees, agents, or volunteers.

- b. Required insurance coverage must be primary insurance with respect to the City and its officials, officers, employees and volunteers. No insurance or self-insurance maintained by the City may be called upon to contribute to a loss under the coverage.

12.7 Insurance coverage required pursuant to this Agreement must include or be endorsed to include the following:

- a. Any failure of District to comply with reporting provisions of the policy shall not affect coverage provided to the City and its officers, employees, agents, and volunteers.
- b. Required insurance coverage may not be suspended, voided, canceled, reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the City.

12.8 All insurance required under this Agreement must be placed with insurers with a Best's rating of no less than A unless otherwise approved by the City.

13. Notices.

Any notice, consent, authorization or other communication to be given shall be in writing and deemed duly given and received when (a) delivered personally, (b) transmitted by facsimile, (c) one business day after being deposited for next-day delivery with a nationally recognized overnight delivery service, or (d) three business days after being mailed by first class mail, charges and postage prepaid, and in all cases properly addressed to the party to receive such notice at the last address furnished for such purpose by the party to whom notice is directed.

In the case of notices to be given to the City, notice shall be addressed as follows:

City Manager  
City of Fort Bragg  
416 N Franklin Street  
Fort Bragg, CA 95437

With a copy to:

City Clerk  
City of Fort Bragg  
416 N Franklin Street  
Fort Bragg, CA 95437

In the case of notices to be given to the District, notice shall be addressed as follows:

District Administrator  
Mendocino Coast Recreation & Park District  
300 South Lincoln Street  
Fort Bragg, CA 95437

Either party may change its address or other contact information by giving notice in writing to the other party as specified in this section.

14. Amendments.

This Agreement shall only be amended by a writing signed by both parties after approval by the City Council and District Board.

15. Appropriations.

The payment of any obligations of the City described in this Agreement is subject to the annual appropriation of funds for said payments by the City Council.

16. Miscellaneous Provisions.

16.1 Good Faith and Cooperation. The City and the District agree that it is in their mutual best interest and in the best interest of the public that the Premises be operated and managed as herein agreed and, to that end, the parties shall in all instances cooperate and act in good faith in compliance with all of the terms, covenants, and conditions of this Agreement and shall deal fairly with each other.

16.2 Severability. If any provision of this Agreement, or the application of such provision to any party or circumstance, shall be held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement, or the application of such provision to such party or circumstance other than those to which it is held to be invalid or unenforceable, shall not be affected thereby.

16.3 Governing Law. This Agreement shall be governed by and construed and interpreted in accordance with the laws of the State of California, without regard to that state's conflict of laws principles.

16.4 Entire Agreement. This Agreement contains the entire Agreement of the parties and supersedes all prior to contemporaneous written or oral negotiations, correspondence, understandings and agreements between the parties regarding the subject matter hereof.

16.5 Parties in Interest. Nothing in this Agreement shall confer any rights or remedies under or by reason of this Agreement on any party other than the parties nor shall anything in this Agreement relieve or discharge the obligation or liability of any third party to any party to this Agreement nor shall any provision give any third party any right of subrogation or action over or against any party to this Agreement.

16.6 Waiver. Failure of either party to complain of any action, non-action or default of the other party shall not constitute a waiver of such party's rights hereunder with respect to such action, non-action or default. Waiver by the District or the City of any right or any default hereunder shall not constitute a waiver of any subsequent default of the same obligation or for any other default, past, present or future. No payment by a party, or acceptance by the other party, of a lesser amount than shall be due from one party to the other shall be treated otherwise than as a payment on account. The acceptance by a party of a check for a lesser amount, with an endorsement or statement thereon, or upon any letter accompanying such check, that such lesser amount is payment in full, shall be given no effect, and a party may accept such

check without prejudice to any rights or remedies which it may have against the other party.

16.7 Construction. This Agreement has been negotiated by the parties and their respective legal counsel and will be fairly interpreted in accordance with its terms and without strict construction in favor of or against any party.

16.8 No Assignment. This Agreement, nor any part of it nor any right or obligation arising from it shall be assigned without the express written consent of the parties.

16.9 Subcontracting. The District may subcontract portions of the services to be provided under this Agreement only with the prior written approval of the City. The District will be solely responsible for payment to such subcontractors and no contractual relationship will exist between any subcontractors and the City.

16.10 Independent Contractor Status. The parties shall at all times be acting as independent contractors. This Agreement is not intended, and shall not be construed to create the relationship of servant, employee, partner, joint venture or association as between the parties. The parties understand and agree that any of their personnel furnishing services to the Premises under this Agreement are employees solely of the party which hired such personnel for purposes of wages, salaries, workers' compensation liability and for purposes of receiving all other types of employee benefits including, but not limited to, retiree pension and health benefits. The parties shall bear the sole responsibility and liability for furnishing workers' compensation benefits to any personnel hired by them for injuries arising from or connected with services performed under this Agreement, and shall bear the sole responsibility and liability for paying compensation and furnishing all other employee benefits as described herein to any personnel hired by them.

**IN WITNESS WHEREOF**, the District and the City have executed this Agreement as of the day and year first above written.

MENDOCINO COAST RECREATION AND PARK DISTRICT

By: \_\_\_\_\_  
Moneque Wooden  
Administrator

CITY OF FORT BRAGG

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Peggy Ducey  
City Manager

\_\_\_\_\_  
Keith F. Collins  
City Attorney

ATTEST:

\_\_\_\_\_  
June Lemos, MMC  
City Clerk

## "Exhibit A"

### Legal Description of Premises

That certain real property situated in the City of Fort Bragg, County of Mendocino, State of California and being a portion of Section 7, Township 18 North, Range 17 West, Mount Diablo Meridian, more particularly defined and lying within the following described boundaries:

The bearing used in this description are in terms of the California State Grid, Zone 2.

Commencing at the Southwest corner of the intersection of Maple and Lincoln Streets, described by deeds of record as being East, 3330 feet and South 2300 feet of the section corner common to Sections 6 and 7, Township 18 North, Range 17 West, and Sections 1 and 12, Township 18 North, Range 18 West, Mount Diablo Meridian; thence from said point of commencement South 88° 36' 40" East, 57.44 feet to the true point of beginning; thence from said true point of beginning and along the exterior boundary lines of the parcel of land to be described as follows:

North 0° 45' 30" East along the Easterly sideline of Lincoln Street as it now exists, 288.58 feet to an intersection with the Southerly sideline of Willow Street as it now exists; thence South 88° 51' 31" East along said Willow Street sideline 571.27 feet; thence South 1° 37' 50" West along the Westerly sideline of an alley as now fenced, 395.67 feet; thence leaving said alley sideline North 87° 39' 45" West, 391.07 feet; thence South 0° 53' 42" West, 30.86 feet; thence North 88° 51' 31" West, 174.25 feet to a point in the Easterly sideline of the above mentioned Lincoln Street; thence North 0° 45' 30" East along said street sideline 129.78 feet the true point of beginning.

APN: 008-280-62



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 22-376

---

**Agenda Date:** 8/8/2022

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Committee Minutes

**Agenda Number:** 5J.

Receive and File Minutes of the June 14, 2022 Public Works and Facilities Committee Meeting



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Meeting Minutes Public Works and Facilities Committee

---

Wednesday, June 8, 2022

3:00 PM

Via Video Conference

---

### Special Meeting

#### MEETING CALLED TO ORDER

Committee Chair Lindy Peters called special meeting to order at 3:02 pm.

#### ROLL CALL

Both committee members Lindy Peters and Tess Albin-Smith as well as Public Works Director John Smith, City Manager David Spaur, and Committee Clerk Sandy Arellano were present.

**Present:** 2 - Lindy Peters and Tess Albin-Smith

#### PLEASE TAKE NOTICE

Committee Clerk Sandy Arellano read the "Please Take Notice" clause.

#### 1. APPROVAL OF MINUTES

This was approved

1A. [22-275](#) Approve Minutes of April 14, 2022

Committee members Peters and Albin-Smith approved meeting minutes as presented.

#### 2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Two non-agenda comments were submitted from:

- K Silva
- J Patterson

#### 3. CONDUCT OF BUSINESS

3A. [22-276](#) Public Works Director Oral Report on Departmental Updates and Items of Discussion

Director John Smith provided updates on significant projects such as:

- Biosolids Dryer
- Bainbridge Park Playground Upgrade/Funding
- Bainbridge Park Soccer Fields/Notice Inviting Bid
- Fire Station Rehab
- Town Hall Improvement

- Streets Rehab Project
- School Zone Traffic Signs
- Water Distribution Project Rehab/Funding
- North Water Sewer Extension
- Water Meter Replacement Project
- WWTP Discharge Generator Project

**Committee member Peters asked Director Smith to follow up with member of the public Kathy Silva regarding Bainbridge Parks' maintenance.** Director Smith provided additional updates on playground rehab funding and maintenance staff shortage and current rain that is causing park maintenance set backs.

Committee member Albin-Smith questioned the possibility of establishing a vegetation/weed abatement program or group. Director Smith mentioned intentions and plans to eventually establish a parks department for maintenance focus and priorities, and reported progress in other maintenance areas such as water/sewer and Coastal Trail priorities.

#### **4. MATTERS FROM COMMITTEE / STAFF**

City Manager David Spaur requested to program a special meeting to discuss the deferral of fees or fee waiver for businesses within the Central Business District. Both committee members agreed to a special meeting to be scheduled before June 27.

Director Smith provided an update on new garbage pick up providers, Redwood Waste Solutions. Transition is on schedule, new cans to be delivered as planned for residential and commercial accounts.

Safety and dangers of electric bikes/devices on Coastal Trail was discussed. Installing speed limit signs and municipal codes to enforce motorized motors recommended. Director Smith responded electric motors on the trail are prohibited and enforceable with the exception of motorized wheel chairs. PD Chief notified and will attempt to provide additional watch on the trail. **Committee member Peters requested continuing this item on the next meeting.**

Chair Peters requested a status on the "No Vending" signs at Bainbridge Park. No status on sign delivery was available.

Committee member Albin-Smith reported she prepared a draft "Tree Protection Ordinance". Also requested a status on the well to be dug at CV Starr Centers' premises. Director Smith reported to committee members this would be a final course of action, a back-up for additional water resources.

#### **ADJOURNMENT**

Meeting adjourned at 3:51 pm.



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 22-377

---

**Agenda Date:** 8/8/2022

**Version:** 1

**Status:** Consent Agenda

**In Control:** City Council

**File Type:** Minutes

**Agenda Number:** 5K.

Approve Minutes of July 25, 2022





# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Meeting Minutes 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, July 25, 2022

6:00 PM

Town Hall, 363 N. Main Street and  
Via Video Conference

### CALL TO ORDER

Mayor Norvell called the meeting to order at 6:00 PM, Councilmember Albin-Smith appearing via Video Conference.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

**Present:** 5 - Mayor Bernie Norvell, Vice Mayor Jessica Morsell-Haye, Councilmember Tess Albin-Smith, Councilmember Lindy Peters and Councilmember Marcia Rafanan

### AGENDA REVIEW

Mayor Norvell announced that he would move Closed Session Item 9C before Item 9A. The Mayor said he would entertain a motion to add Item 1B to the agenda to approve his nomination of Scott Deitz to the Planning Commission.

### 1. MAYOR'S RECOGNITIONS AND ANNOUNCEMENTS

**1A.** [22-352](#) Introduction and Swearing In of Police Chief Neil Cervenka

Mayor Norvell introduced new Police Chief Neil Cervenka, and City Clerk Lemos issued the Oath of Office. After the swearing-in, Chief Cervenka's wife pinned his badge onto his uniform. The Chief provided background information on his career and expressed his thanks to City Council, David Spaur, John Naulty and the City of Fort Bragg for having confidence in him, and he committed to perform his job in a compassionate and courageous way.

**1B.** [22-375](#) Nomination and Appointment of Planning Commissioner to Serve on the Fort Bragg Planning Commission

At the July 11, 2022 special meeting of the City Council, Mayor Norvell announced that he would like to appoint Scott Deitz as Planning Commissioner following the death of Commissioner Sharon Davis. No objections were received from any of the Councilmembers. Appointments to the Planning Commission require the affirmative vote of at least three City Councilmembers. The Mayor may at any time permit a member to introduce a motion out of the regular agenda order of business. As this item was not included on the regular agenda, Government Code 54954.2(b) requires a two-thirds vote of the City Council to approve the addition of the item to this agenda. The Mayor stressed the immediate need to have a full Planning Commission to perform their essential function for the City.

**A motion was made by Councilmember Peters, seconded by Councilmember Rafanan, to add the Appointment of a Planning Commissioner to this agenda. The motion carried by the following vote:**

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

**A motion was made by Councilmember Peters, seconded by Councilmember Rafanan, to approve Mayor Norvell's Appointment of Scott Deitz to the Fort Bragg Planning Commission. The motion carried by the following vote:**

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

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

- (1) Jenny Shattuck asked for updates on ad hoc committee matters. Jay McMartin Rosenquist commented on the new Tall Man Brewing project.
- (2) Jacob Patterson commented on Item 5F.
- (3) Jacob Patterson commented on Items 9A and 9B.

## **3. STAFF COMMENTS**

Assistant City Manager McCormick noted that if the appointment of Peggy Ducey to City Manager is approved, the salary will be \$76.34 per hour. City Clerk Lemos gave an update on the City Council nomination process and noted that Councilmember Lindy Peters has qualified to be on the November ballot. The nomination period will remain open until August 17, 2022. Public Works Director Smith provided updates on the Cold Creek Compost giveaway, the bid and proposal process for the Bainbridge Park Soccer Field and Fire Station Rehabilitation projects, and Waste Management bin pickup. Assistant Finance Director Whippy noted that the Utility Assistance Program is accepting applications and may pay up to \$2,000 to qualified applicants on a first come, first served basis until funding runs out. He reported that the IT Department has upgraded the cameras at Town Hall to provide better images for meeting streaming.

## **4. MATTERS FROM COUNCILMEMBERS**

Councilmember Rafanan noted that school will start again soon and road safety measures should be considered in school zones. Councilmember Peters said that the Public Works and Facilities (PWF) Committee discussed the creation of a tree advisory committee. He reported on a Mill Site ad hoc committee meeting about the Central Coastal Trail access. Vice Mayor Morsell-Haye said that a recent downtown business meeting was held, and the business community desires the Council to establish the Central Business District as an arts and culture district. She suggested that the Visit Fort Bragg (VFB) Committee appoint a subcommittee to put together a plan for such a district and submit their recommendations to the VFB Committee and the City Council. The majority of Councilmembers supported that recommendation. Councilmember Albin-Smith also spoke about the PWF's plans to form a tree advisory committee. She asked for support from Council to establish the committee. Councilmember Albin-Smith also noted that VFB has a subcommittee working on walking maps and signage, downtown parties, and other events.

## **5. CONSENT CALENDAR**

Councilmember Peters announced that he would recuse himself from voting on Items 5C and 5F due to a potential conflict of interest because his wife works at the City.

### Approval of the Consent Calendar

**A motion was made by Councilmember Albin-Smith, seconded by Councilmember Rafanan, to approve the Consent Calendar. The motion carried by the following vote:**

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

- 5A.** [22-329](#) Adopt Municipal Improvement District Resolution Approving Professional Services Agreement with Applied Marine Sciences for Biological Surveys and Outfall Inspection Reports and Authorizing City Manager to Execute Contract (Amount Not to Exceed \$41,072, Account No. 710-4712-0319).

**This ID Resolution was adopted on the Consent Calendar.**

Enactment No: RES ID 468-2022

- 5B.** [22-340](#) Adopt City Council Resolution Delegating to the City Manager, Interim City Manager and/or Acting City Manager Disability Retirement Determinations of Local Safety Officer Employees of the California Public Employees' Retirement System

**This Resolution was adopted on the Consent Calendar.**

Enactment No: RES 4566-2022

- 5D.** [22-343](#) Adopt City Council Resolution Making the Legally Required Findings to Continue to Authorize the Conduct of Remote "Telephonic" Meetings During the State of Emergency

**This Resolution was adopted on the Consent Calendar.**

Enactment No: RES 4567-2022

- 5E.** [22-345](#) Approve Offer Letter and Adopt City Council Resolution Appointing Peggy Ducey as Interim City Manager for the City of Fort Bragg

**This Offer Letter was accepted and this Resolution was adopted on the Consent Calendar.**

Enactment No: RES 4573-2022

- 5G.** [22-370](#) Adopt Joint City Council/Improvement District/Redevelopment Successor Agency Resolution Approving a Professional Services Agreement with JJACPA, Inc. for Auditing Services and Authorizing City/District Manager/Executive Director to Execute Same (Amount Not to Exceed \$49,550; Split Among the Agencies)

**This Resolution was adopted on the Consent Calendar.**

Enactment No: RES 4568-2022 / RES ID 469-2022 / RES RS 34-2022

- 5H. [22-363](#) Receive and File Minutes of the February 22, 2022 Community Development Committee Meeting

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

- 5I. [22-364](#) Receive and File Minutes of the April 26, 2022 Committee Development Committee Meeting

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

- 5J. [22-342](#) Approve Minutes of Special Closed Session of June 27, 2022

**These Minutes were approved on the Consent Calendar.**

- 5K. [22-356](#) Approve Minutes of June 27, 2022

**These Minutes were approved on the Consent Calendar.**

- 5L. [22-354](#) Approve Minutes of Special Closed Session of July 11, 2022

**These Minutes were approved on the Consent Calendar.**

- 5M. [22-355](#) Approve Minutes of Special Meeting of July 18, 2022

**These Minutes were approved on the Consent Calendar.**

- 5C. [22-341](#) Adopt City Council Resolution Establishing a Salary Rate Compensation Plan Confirming Pay Rates/Ranges for City of Fort Bragg Police Association Classifications

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

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

**Recuse:** 1 - Councilmember Peters

Enactment No: RES 4569-2022

- 5F. [22-348](#) Adopt City Council Resolution Approving the 2022-2025 Memorandum of Understanding with the Fort Bragg Employee Organization/Service Employees International Union Local 1021 and Authorizing City Manager to Execute Same

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

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

**Recuse:** 1 - Councilmember Peters

---

Enactment No: RES 4570-2022

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

None.

## **7. PUBLIC HEARING**

## **8. CONDUCT OF BUSINESS**

- 8A. [22-369](#)** Receive Report and Consider Adoption of City Council Resolution Declaring a Stage 1 Water Alert and Implementing Stage 1 Water Conservation Measures

Public Works Director Smith presented the staff report on this agenda item, noting that a Stage 1 Water Alert will help conserve water.

Public Comment was received from Jay McMartin Rosenquist and Jenny Shattuck.

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

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

Enactment No: RES 4571-2022

- 8B. [22-323](#)** Receive Public Review Draft of City of Fort Bragg Former Georgia Pacific Mill Site Economic Diversification Report and Provide Council Input to be Included in Final Draft

Assistant City Manager McCormick provided a brief summary of this agenda item and introduced Josh Metz who made a presentation to Council.

Public Comment was received from Gabriel Quinn Maroney, Mary Rose Kaczorowski, Jenny Shattuck, Andrew Jordan, Chris Hart and Jacob Patterson.

Discussion: The Councilmembers thanked Mr. Metz for a good report. The discussion focused on workforce housing, a microgrid for energy production, carbon neutrality, blue economy industrial hub, restorative aquaculture, and various ways to stimulate the economy and boost tourism.

**Mayor Norvell recessed the meeting at 7:53 PM; the meeting reconvened at 8:03 PM.**

**This Report was received and filed.**

- 8C. [22-295](#)** Receive Project Update and Status Report from Parents and Friends, Inc. on the Cypress Street Residential Care Facility for the Elderly Project at 350 Cypress Street

Natalie McLaughlin of SHN made a presentation on the status of this project. Rick Moon of Parents and Friends also addressed the Council.

Public Comment was received from Jacob Patterson.

**This Report was accepted.**

- 8D. [22-347](#)** Receive Report and Provide Direction to Staff Regarding Options for Preserving Eagles Hall as a Public Assembly Venue, Including Historic

Landmark Status, Existing Zoning Regulations and Other Options

Assistant City Manager McCormick noted that Councilmembers Albin-Smith and Peters asked that this item be brought forward for discussion. City consultant Marie Jones of Marie Jones Consulting gave the report on this agenda item.

Public Comment was received from Leslie Kashiwada, Jacob Patterson and Megan Caron.

**This Staff Report was not acted on.**

- 8E. [22-336](#)** Receive Report and Consider Adoption of City Council Resolution Approving Professional Services Agreement with Creative Thinking, Inc., DBA The Idea Cooperative, to Provide Strategic and Creative Marketing Services for Visit Fort Bragg and Authorizing the City Manager to Execute Contract (Amount Not to Exceed \$180,000.00; Account No. 110-4321-0319)

Assistant City Manager McCormick presented the staff report on this agenda item.

Public Comment: Megan Caron and Jacob Patterson spoke in opposition to the contract.

Discussion: After a brief discussion, the City Council unanimously approved continuing with the Idea Cooperative contract, noting that the Council is doing what the voters asked it to do when they approved Measure AA/AB.

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

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

Enactment No: RES 4572-2022

## **9. CLOSED SESSION**

**Mayor Norvell recessed the meeting at 9:18 PM; the meeting reconvened to Closed Session at 9:25 PM.**

- 9C. [22-372](#)** CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION, Pursuant to Paragraph (1) of Subdivision (d) of Government Code Section 54956.9; Name of Case: City of Fort Bragg vs. Mendocino Railway and Does 1-10, Case No.: 21CV00850, Superior Court of the State of California, County of Mendocino

**Councilmember Peters recused himself from hearing Items 9A and 9B due to a potential conflict of interest because his wife works for the City and left the meeting at 9:46 PM.**

- 9A. [22-353](#)** CONFERENCE WITH LABOR NEGOTIATORS: Pursuant to Government Code Section 54957.6: City Negotiators: Isaac Whippy, Assistant Finance Director; Employee Organizations: Confidential Non-Bargaining Classifications, and Exempt At-Will Executive Management Classifications

- 9B. [22-358](#)** CONFERENCE WITH LABOR NEGOTIATORS: Pursuant to Government Code Section 54957.6: City Negotiators: Sarah McCormick, Assistant City Manager; Employee Organizations: Exempt Mid-Management Classifications

Mayor Norvell reconvened the meeting to Open Session at 10:03 PM and reported that no reportable action was taken on the Closed Session items.

**ADJOURNMENT**

Mayor Norvell adjourned the meeting at 10:03 PM.

\_\_\_\_\_  
BERNIE NORVELL, MAYOR

\_\_\_\_\_  
June Lemos, MMC, City Clerk

IMAGED (\_\_\_\_\_)



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 22-382

---

**Agenda Date:** 8/8/2022

**Version:** 1

**Status:** Public Hearing

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 7A.

Receive Report, Conduct Public Hearing, and Consider Adoption of City Council Resolution Approving Application for 2022 Community Development Block Grant (CDBG) Funding, Execution of Agreement, and Any Amendment Thereto





AGENCY: City Council  
MEETING DATE: Aug. 8, 2022  
DEPARTMENT: Administration  
PRESENTED BY: L. Peterson  
EMAIL ADDRESS: [lpeterson@fortbragg.com](mailto:lpeterson@fortbragg.com)

## AGENDA ITEM SUMMARY

### **TITLE:**

**Receive Report, Conduct Public Hearing, and Consider Adoption of City Council Resolution Approving Application for 2022 Community Development Block Grant Funding, Execution of Agreement, and Any Amendment Thereto**

### **ISSUE:**

The deadline to submit applications to the State Department of Housing & Community Development (HCD) for the 2022 Community Development Block Grant (CDBG) program is August 19, 2022. On June 28, 2022, the Community Development Committee directed staff to prepare an application for CDBG funding for the Business Assistance Loan Program in the amount of \$750,000. A public hearing must be held and a resolution authorizing submittal of the application must be approved should Council decide to submit an application.

### **ANALYSIS:**

On June 28, 2022, staff asked the Community Development Committee for direction regarding the 2022 CDBG Notice of Funding Availability (NOFA). Eligible non-entitlement jurisdictions may submit up to three applications for a combined maximum amount of \$1.5 million. HCD requires that over 50% of an open award be expended before a grantee is eligible to apply for additional funding of a like activity. This rule limits the type of programs and projects that the City of Fort Bragg may apply for, as the City currently has 10 open CDBG awards. Based on current expenditure of open CDBG awards and the application deadline of August 19, 2022, the Community Development Committee directed staff to prepare one Economic Development application and, if eligible, up to two Planning applications:

1. Economic Development Programs (Competitive): Business Assistance Loan Program: Up to \$750,000 for direct loans to for-profit businesses, activity delivery, and general administration staff time.
2. Planning: Sewer Infrastructure Planning: Up to \$250,000 for design and environmental review of the extension of sewer services north of Pudding Creek to the end of City Limits.
3. Planning: Ocean Water Intake Benthic Survey: Up to \$250,000 for one of several studies recommended to determine site feasibility. This study will determine the presence of sensitive habitat and benthic topography.

Staff has prepared an Economic Development application as directed. The City is not eligible to seek additional planning and technical assistance funding at this time because the City's current Fire Station Planning award will not meet the threshold of 50% expenditure before the August 19, 2022 application deadline.

Business Assistance Loan Program Budget

The Business Assistance Loan Program would be funded entirely with CDBG 2022 funding, with the following activities and amounts:

<b>Funding Category</b>	<b>Amount</b>
Activity (Direct Loans to Businesses)	\$585,000
Activity Delivery (15%)	\$112,500
General Administration (7%)	\$52,500
<b>Total</b>	<b>\$750,000</b>

About the Business Assistance Loan Program

The Business Assistance Loan Program serves start-ups or existing businesses within City limits. Funds may be used for purchase of equipment, inventory, real property, working capital, debt consolidation, and construction (Davis-Bacon Labor Law requirements must be followed for construction). Businesses may be loaned up to \$300,000, depending on available funds. For every \$35,000 loaned, one full-time job is created or retained, and 51% of those jobs are filled by members of the low- to moderate-income group. Loan amounts and terms are determined on a case by case basis, with interest rates starting as low as 1%. Terms are dependent on the recipient’s cash flow needs and risk level of the loan. Repayment terms are based on the capacity of the business to repay, with deferral of payments possible based on income and expense projections. There are no loan fees.

**RECOMMENDED ACTION:**

Conduct Public Hearing and Adopt Resolution Approving an Application for Funding, Execution of a Grant Agreement and Any Amendment Thereto from the 2022 Community Development Block Grant (CDBG) Program.

**ALTERNATIVE ACTION(S):**

No Action. Under this alternative, the City would not submit a 2022 CDBG application.

**FISCAL IMPACT:**

CDBG grants have a positive fiscal impact on the City as the programs and projects funded by CDBG would otherwise be unfunded and require allocation of General Fund resources. The City’s costs to administer the CDBG grant will be offset by General Administration funds. Business loan repayments are returned to the City as Program Income and may be used for other CDBG-eligible activities.

**GREENHOUSE GAS EMISSIONS IMPACT:**

No impact on greenhouse gas emissions.

**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).

**IMPLEMENTATION/TIMEFRAMES:**

If the grant application is approved by City Council, and after the Public Hearing is held, staff will complete the application and submit it by the August 19, 2022, submission date. The NOFA does not outline the award period, though awards are expected to be announced beginning in 2023. Program activities will commence immediately following Standard Agreement execution. The “National Benefit” for the Business Assistance Loan Program would fully achieved once all available loan funds have been dispersed to businesses.

**ATTACHMENTS:**

1. Proposed Resolution Authorizing Application Submittal
2. Exhibit A to Resolution - CDBG Required Format
3. Public Hearing Notice

**NOTIFICATION:**

1. Notify Me Subscribers: CDBG Activities

**RESOLUTION NO. \_\_\_\_-2022**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING APPLICATION FOR FUNDING, EXECUTION OF AGREEMENT, AND ANY AMENDMENTS THERETO FOR 2022 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUSINESS ASSISTANCE LOAN PROGRAM FUNDS**

**WHEREAS**, the City of Fort Bragg held a Design Phase Public Hearing on March 1, 2022 to provide information about the Community Development Block Grant (CDBG) program and funding opportunities to solicit input from the community as to suggestions about possible use of grant funds; and

**WHEREAS**, the Community Development Committee discussed the 2022 CDBG Notice of Funding Availability (NOFA) at a regularly scheduled meeting on June 28, 2022; and

**WHEREAS**, the City of Fort Bragg currently has ten (10) open CDBG funded activities; and

**WHEREAS**, the City is not eligible to seek additional planning and technical assistance funds because existing open activities do not meet the 50% expenditure threshold; and

**WHEREAS**, the City is eligible to seek funds in the amount of \$750,000 for the CDBG Business Assistance Loan Program; and

**WHEREAS**, these funds serve start-ups or existing businesses within City limits. Funds may be used for purchase of equipment, inventory, real property, working capital, debt consolidation, and construction (Davis-Bacon Labor Law requirements must be followed for construction). Businesses may be loaned up to \$300,000, depending on available funds. For every \$35,000 loaned, one full-time job is created or retained, and 51% of those jobs are filled by members of the low- to moderate-income group. Loan amounts and terms are determined on a case by case basis, with interest rates starting as low as 1%. Terms are dependent on the recipient's cash flow needs and risk level of the loan. Repayment terms are based on the capacity of the business to repay, with deferral of payments possible based on income and expense projections. There are no loan fees; and

**WHEREAS**, CDBG requires that the governing body of the grantee adopt a resolution approving application for funding in the approved format of the Department of Housing and Community Development, included herein as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby approve the submission of 2022 CDBG application for Business Assistance Loan Program funds in the amount of \$750,000.

**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 8<sup>th</sup> day of August, 2022, by the following vote:**

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

**RECUSED:**

---

**BERNIE NORVELL**  
**Mayor**

**ATTEST:**

---

**June Lemos, MMC**  
**City Clerk**



## APPENDIX D

### Resolution of the Governing Body

**Applicants are required to use this Resolution in content and form.**

RESOLUTION NO. \_\_

**A RESOLUTION APPROVING AN APPLICATION FOR FUNDING AND THE EXECUTION OF A GRANT AGREEMENT AND ANY AMENDMENTS THERETO FROM THE 2021-2022 FUNDING YEAR OF THE STATE CDBG PROGRAM**

BE IT RESOLVED by the \_\_\_\_\_ of the  
of \_\_\_\_\_ as follows:

**SECTION 1:**

The \_\_\_\_\_ has reviewed and hereby approves the submission to the State of California of one or more application(s) in the aggregate amount, not to exceed, of \$ \_\_\_\_\_ for the following CDBG activities, pursuant to the January 2022 CDBG NOFA:

**List activities and amounts** (*activity totals should include Activity Delivery dollars and General Administration associated with the activity*)

<b>Activity (i.e. Public Services, Housing Rehabilitation)</b>	<b>Dollar Amount Being Requested for the Activity</b>
	\$
	\$
	\$
	\$

*Note: Similar to the above, any Colonia or Native American Set-Aside activities must be included separately in the Resolution.*

**SECTION 2:**

The \_\_\_\_\_ hereby approves the use of Program Income in an amount not to exceed \$ \_\_\_\_\_ for the CDBG activities described in Section 1.



## APPENDIX D

### **SECTION 3:**

The \_\_\_\_\_ acknowledges compliance with all state and federal public participation requirements in the development of its application(s).

### **SECTION 4:**

The \_\_\_\_\_ hereby authorizes and directs the (title of designated official) \_\_\_\_\_, or designee\*, to execute and deliver all applications and act on the \_\_\_\_\_ behalf in all matters pertaining to all such applications.

### **SECTION 5:**

If an application is approved, the (title of designated official) \_\_\_\_\_, or designee\*, is authorized to enter into, execute and deliver the grant agreement (*i.e.*, Standard Agreement) and any and all subsequent amendments thereto with the State of California for the purposes of the grant.

### **SECTION 6:**

If an application is approved, the (title of designated official) \_\_\_\_\_, or designee, is authorized to sign and submit Funds Requests and all required reporting forms and other documentation as may be required by the State of California from time to time in connection with the grant.

*\* **Important Note:** If the designee is signing any application, agreement, or any other document on behalf of the designated official of the City/County, written proof of designee authority to sign on behalf of such designated official must be included with the Resolution, otherwise the Resolution will be deemed deficient and rejected. Additionally, do not add limitations or conditions on the ability of the signatory or signatories to sign documents, or the Resolution may not be accepted. If more than one party's approval is required, list them as a signatory. The only exception is for county counsel or city attorney to approve as to form or legality or both, IF such approval is already part of the standard city/county signature block as evidenced by the signed Resolution itself. Inclusions of additional limitations or conditions on the authority of the signer will result in the Resolution being rejected and will require your entity to issue a corrected Resolution prior to the Department issuing a Standard Agreement.*



**APPENDIX D**

PASSED AND ADOPTED at a regular meeting of the \_\_\_\_\_  
of the \_\_\_\_\_ of \_\_\_\_\_ held on \_\_\_\_\_ by the following vote:

*Instruction: Fill in all four vote-count fields below. If none, indicate "0" for that field.*

AYES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_

Authorized Signature                      Date

Signer's Title

**STATE OF CALIFORNIA**

I, \_\_\_\_\_, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_, State of California, hereby certify the above and foregoing to be a full, true and correct copy of a resolution adopted by said \_\_\_\_\_ on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_, State of California

By:

***Note: The attesting officer cannot be the person identified in the Resolution as the authorized signer.***





## **CITY OF FORT BRAGG**

*Incorporated August 5, 1889*  
416 N. Franklin St.  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

### **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that 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, August 8, 2022**, at Town Hall, southwest corner of Main and Laurel Streets (363 North Main Street), Fort Bragg, California 95437. The City Council will solicit citizen input regarding the following:

**Receive Report and Conduct Public Hearing, and Consider Adoption of City Council Resolution Approving an Application for Funding and Execution of a Grant Agreement and any Amendment Thereto from the 2022 Community Development Block Grant (CDBG) Program.**

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

The City of Fort Bragg is applying for grant funding of up to \$750,000 under the 2022 NOFA for eligible activities and allowable General Administration funds.

If you plan to attend the public hearing and need a special accommodation because of a sensory or mobility impairment/disability or have a need for an interpreter, please call (707) 961-2823 to arrange for those accommodations to be made.

If you are unable to attend the public hearing, you may direct written comments to the City of Fort Bragg, Attention: Grants Coordinator Lacy Peterson, 416 North Franklin Street, Fort Bragg, CA 95437 or you may telephone Lacy Peterson, Grants Coordinator, at (707) 961-2823 ext. 108 or email [lpeterson@fortbragg.com](mailto:lpeterson@fortbragg.com). In addition, information is available for review at the above address between the hours of 9:00 a.m. to 12:30 p.m. and 1:30 p.m. to 5:00 p.m. on weekdays, except Wednesdays.

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

Dated: July 21, 2022

*Lacy Peterson*

---

Lacy Peterson  
Grants Coordinator

**POST/PUBLISH: July 28, 2022**

STATE OF CALIFORNIA     )  
  ) ss.  
COUNTY OF MENDOCINO    )

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this Notice to be posted in the City Hall Notice Case on July 28, 2022.

*June Lemos*

---

June Lemos, MMC  
City Clerk



## CIUDAD DE FORT BRAGG

*Incorporado el 5 de agosto de 1889*  
416 N. Franklin St.  
Fort Bragg, CA 95437  
Teléfono: (707) 961-2823  
Fax: (707) 961-2802

### AVISO DE AUDIENCIA PÚBLICA

**POR LA PRESENTE SE NOTIFICA** que la Ciudad de Fort Bragg llevará a cabo una audiencia pública en una reunión ordinaria que se llevará a cabo a las 6:00 p. m., o tan pronto como se escuche el asunto, el **lunes 8 de agosto de 2022** en el Ayuntamiento, esquina suroeste de las calles Main y Laurel (363 North Main Street), Fort Bragg, California 95437. El Ayuntamiento solicitará la opinión de los ciudadanos con respecto a lo siguiente:

**Recibir el informe y llevar a cabo una audiencia pública, y considerar la adopción de la resolución del Concejo Municipal que aprueba una solicitud de financiamiento y ejecución de un acuerdo de subsidio y cualquier enmienda al mismo del Programa de Subsidios en Bloque para el Desarrollo Comunitario (CDBG) de 2022.**

El propósito de la audiencia pública será considerar la presentación de una solicitud al Departamento de Vivienda y Desarrollo Comunitario del Estado y dar a los ciudadanos la oportunidad de dar a conocer sus comentarios sobre las actividades propuestas y la solicitud.

La ciudad de Fort Bragg está solicitando un subsidio de hasta \$750 000 en virtud de la NOFA de 2022 para actividades elegibles y fondos de administración general permitidos.

Si planea asistir a la audiencia pública y necesita una adaptación especial debido a un impedimento/discapacidad sensorial o de movilidad o si necesita un intérprete, llame al (707) 961-2823 para hacer arreglos para que se realicen esas adaptaciones.

Si no puede asistir a la audiencia pública, puede dirigir sus comentarios por escrito a la Ciudad de Fort Bragg, Atención: Coordinadora de Subsidios Lacy Peterson, 416 North Franklin Street, Fort Bragg, CA 95437 o puede llamar por teléfono a Lacy Peterson, Coordinadora de Subsidios, al (707) 961-2823 ext. 108 o envíe un correo electrónico [a lpeterson@fortbragg.com](mailto:lpeterson@fortbragg.com). Además, la información está disponible para su revisión en la dirección anterior en el horario de 9:00 am a 12:30 pm y de 1:30 pm a 5:00 pm los lunes, martes, jueves y viernes. La oficina está cerrada los miércoles.

La ciudad de Fort Bragg promueve la vivienda justa y pone todos sus 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: 21 de julio de 2022

*Lacy Peterson*

\_\_\_\_\_  
Lacy Peterson  
Coordinador de Subsidios

**PUBLICAR/PUBLICAR: 28 de julio de 2022**

ESTADO DE CALIFORNIA    )  
  ) ss.  
COUNTY OF MENDOCINO    )

Declaro, bajo pena de perjurio, que soy empleado de la Ciudad de Fort Bragg y que hice que este Aviso se publicara en el Cartel de Avisos del Ayuntamiento el 28 de julio de 2022.

*June Lemos*

\_\_\_\_\_  
June Lemos, MMC  
Secretario de la Ciudad



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 22-380

---

**Agenda Date:** 8/8/2022

**Version:** 1

**Status:** Business

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 8A.

Receive Report, Consider Adoption of City Council Resolution Authorizing Application for and Implementation of Local Agency Technical Assistance (LATA) Program Funds, and Approve City Council Letter in Support of the LATA Program



AGENCY: City Council  
MEETING DATE: August 8, 2022  
DEPARTMENT: Administration  
PRESENTED BY: S. McCormick  
EMAIL ADDRESS: [smccormick@fortbragg.com](mailto:smccormick@fortbragg.com)

## AGENDA ITEM SUMMARY

**TITLE:**

**Receive Report and Consider Adoption of City Council Resolution Authorizing Application for and Implementation of Local Agency Technical Assistance (LATA) Program Funds**

**BACKGROUND:**

Governor Gavin Newsom signed historic broadband legislation in July 2021 with the intent to provide reliable and affordable internet access to all Californians. Specifically, the goal of this investment is to reach unserved and underserved populations with access to high-speed broadband. The \$6 billion investment will be implemented by the California Public Utilities Commission (CPUC), as follows:

- \$50 million for local agency technical assistance grants, including specific funding for Tribal entities;
- \$750 million for a loan loss reserve program to support local government infrastructure deployment;
- \$3.25 billion for an open-access statewide broadband middle-mile network; and
- \$2 billion for broadband middle-mile infrastructure projects.

**ANALYSIS:**

The CPUC established the Local Agency Technical Assistance (LATA) program, to reimburse local agencies and Tribal governments for planning and capacity building activities that advance broadband deployment. LATA funds are to be awarded on a first come, first served basis to cover pre-construction expenses such as consultant or staff time for network design, engineering studies, environmental review, financing strategies, and business plans. Grantees must complete projects within 24 months, are required to fulfill monthly reporting requirements and retain all records for a five-year period.

The City's Digital Infrastructure Plan (2021) would serve as the backbone for the LATA application, and LATA funds would result in a bid-ready construction project. Staff requested a scope of work from the consultants tasked to prepare the City's 2021 plan, in order to bring their high-level study to project specific detail. In light of the groundwork the City laid in 2021, and the foresight of Council to earmark American Rescue Plan Act funds for broadband deployment, the City is well positioned to utilize this funding opportunity.

The following tasks are proposed for the LATA application, which would be completed by staff and consultants:

- Environmental Review & Entitlements
- Construction Level Design & Engineering with Bill of Materials
- Business Plan

AGENDA ITEM NO. 8A

- Internet Service Provider Partner
- Marketing Analysis
- Financing Strategy
- Bid Package
- Grant Administration & Reporting

The City is eligible to seek ministerial approval for up to \$500,000 and will submit an application upon Council’s approval.

**PROPOSED ACTION:**

Adopt Resolution Authorizing Application for the California Public Utilities Commission’s Local Agency Technical Assistance Program.

**FISCAL IMPACT:**

ARPA funds would be leveraged to pay initial expenses for planning and capacity building to deploy broadband. LATA funds would be utilized to reimburse the City for these expenses. Both of these funding sources would allow General Fund revenues to be used for other purposes.

**GREENHOUSE GAS EMISSIONS IMPACT:**

To the degree that implementation of planning grant activities results in more compact development patterns adjacent to employment centers and schools, the greenhouse gas emissions generated by the City will fall on a per-capita basis.

**CONSISTENCY:**

Broadband deployment aligns with Council Goals and Priorities:

**Goal: Foster and help sustain local businesses** through public private partnerships; overcome barriers to industry such as **broadband**, housing and transportation; work with West Company and EDFC; and support business that “keep money here.”

**Goal: Emphasize Grants for the City** by focusing CDBG funds **on City infrastructure projects**. Actively pursue all grant and other funding options and possibilities.

**IMPLEMENTATION/TIMEFRAMES:**

Staff will submit the LATA application as soon as possible. The goal is to have a bid-ready construction packet by the end of the year in order to position the City for CPUC funding opportunities for construction.

**ATTACHMENTS:**

1. Resolution
2. Exhibit A
3. Fort Bragg Digital Infrastructure Plan (2021)

**NOTIFICATION:**

1. “Notify Me” Subscriber List: Economic Development Planning

**RESOLUTION NO. \_\_\_\_-2022**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL  
APPROVING APPLICATION FOR FUNDING FROM THE  
CALIFORNIA PUBLIC UTILITIES COMMISSION**

**WHEREAS**, California Governor Gavin Newsom signed historic broadband legislation in July 2021 to help bridge the digital divide and provide reliable and affordable internet access to all Californians; and

**WHEREAS**, the California Public Utilities Commission (CPUC) is implementing \$50 million dollars to local governments to cover costs associated to prepare for broadband implementation through the Local Agency Technical Assistance (LATA) program; and

**WHEREAS**, the City of Fort Bragg is an eligible local agency with an interest in establishing a municipal broadband utility to provide fast, reliable and affordable broadband connectivity for residents and businesses; and

**WHEREAS**, the City of Fort Bragg will coordinate city-wide broadband infrastructure planning and deployment with other agencies and districts in our geographic area; and

**WHEREAS**, the LATA program is structured as a reimbursement to local agencies to cover pre-construction costs associated with planning and capacity building to implement broadband infrastructure; and

**WHEREAS**, the Fort Bragg City Council earmarked the City's allocation of American Rescue Plan Act (ARPA) funds to make strategic investments in broadband infrastructure, which are sufficient to cover costs while seeking LATA reimbursement; and

**WHEREAS**, a LATA application has been developed and requires the governing body of the grantee to provide a written letter of support; and

**WHEREAS**, the City Council is providing a letter of support, attached hereto as Exhibit A, and certifying through resolution approval to submit an application for LATA funding and authorizing the execution of agreement by a representative of the grantee on terms and conditions required by the CPUC.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby provide a letter of support for, and approval of submission of a LATA application to the CPUC, execution of LATA program, and authorizes the City Manager to execute the same.

**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 8<sup>th</sup> of August, 2022, by the following vote:**

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**
- RECUSED:**



---

**BERNIE NORVELL**  
Mayor

**ATTEST:**

---

**June Lemos, MMC**  
City Clerk



## CITY OF FORT BRAGG

*Incorporated August 5, 1889*  
416 N. Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

<https://www.city.fortbragg.com/>

August 8, 2022

California Public Utilities Commission  
Local Agency Technical Assistance Program  
[Broadband.TechAssist@cpuc.ca.gov](mailto:Broadband.TechAssist@cpuc.ca.gov)

To Whom It May Concern:

The City of Fort Bragg is eager to participate in the Local Agency Technical Assistance (LATA) program and the Fort Bragg City Council supports the submission of application. Today, broadband is as essential as electricity or water to the effective functioning of business, the success of our students, and the ability to respond in emergencies. Broadband connectivity will likely determine our community's ability to develop a vibrant and resilient economy, prepare our students for the careers of tomorrow and deliver the social, public safety, and healthcare services that our community desires. Providing this digital infrastructure is a priority for the City, and as such, we have set aside American Rescue Plan Act funds to invest in broadband deployment, providing a funding source to support LATA reimbursement.

The City of Fort Bragg Digital Infrastructure Plan (2021) provides a high-level overview for a fiber-to-the-premise broadband deployment project (underground conduit, fiber, and electronics), as well a potential path for operating and servicing customers over the network. LATA funding will allow the City to refine network design, complete environmental review and engineering studies, secure necessary entitlements, and develop a business plan, marketing plan and financing strategy. Our objective is to cover all pre-construction costs and have a bid-ready project that would enable the City to pursue construction dollars.

The City is coordinating with other entities in the region pursuing broadband deployment - City of Ukiah, Mendocino County and North Bay/North Coast and Golden State Connect Authority. LATA funds will be used to bring others into the conversation including, Sherwood Valley Band of Pomo Indians, and the many local special districts that serve our community, such as the Fire Department, Hospital District, School District, and Noyo Harbor.

We appreciate the opportunity to request funding and thank you for your consideration.

Sincerely,

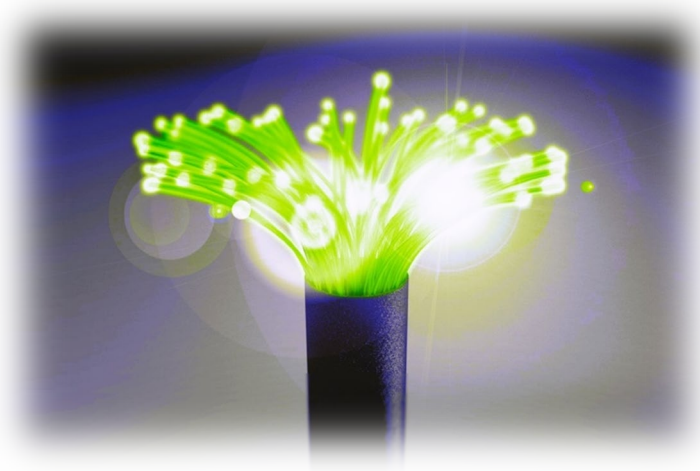
Bernie Norvell  
Mayor

Jessica Morsell-Haye  
Vice Mayor

Teresa K. Albin-Smith  
Councilmember

Lindy Peters  
Councilmember

Marcia Rafanan  
Councilmember



# Fort Bragg

## Digital Infrastructure Project

*An Approach to Implement High-Speed Internet for  
The City of Fort Bragg*



**FORT BRAGG**  
CALIFORNIA

**August 2021**

**TABLE OF CONTENTS**

<b>EXECUTIVE SUMMARY</b>	<b>3</b>
PROJECT OVERVIEW	4
<b>INTRODUCTION</b>	<b>5</b>
IMPLEMENTATION OF THE DIGITAL INFRASTRUCTURE PLAN	5
<b>PROJECT PLANNING ASSUMPTIONS</b>	<b>5</b>
<b>BROADBAND NETWORK OVERVIEW</b>	<b>6</b>
OVERVIEW OF THE NETWORK ARCHITECTURE	6
<b>PROJECT DESCRIPTION</b>	<b>9</b>
DESKTOP MANAGEMENT AND DESIGN, COST, AND DEPLOYMENT SCHEDULE	9
<b>DESIGN AND BUILD METHODOLOGY</b>	<b>10</b>
<b>OSP DESIGN RESULTS</b>	<b>13</b>
DESIGN AND DISTRIBUTION AREAS:	13
CONDUIT FOOTAGE:	14
PASSIVE MATERIALS:	15
FIBER SIZES:	16
<b>ELECTRONICS DESIGN</b>	<b>17</b>
CORE ROUTING:	18
OPTICAL LINE TERMINATION:	18
OPTICAL NETWORK TERMINATION:	19
DATA CENTER:	20
SUBSCRIBER ACQUISITION (DROPS AND CPE EQUIPMENT):	22
PROJECT MANAGEMENT:	23
<b>CONSTRUCTION SCHEDULE</b>	<b>25</b>
<b>NETWORK OPERATOR/SERVICE PROVIDER DEFINED</b>	<b>26</b>
<b>PRO-FORMA</b>	<b>28</b>
REVENUE ASSUMPTIONS (60% TAKE RATE)	29
EXPENSE ASSUMPTIONS (60% TAKE RATE)	29
10-YEAR INCOME STATEMENT:	31
10-YEAR CASH FLOW STATEMENT:	32
10-YEAR BALANCE SHEET STATEMENT	33
<b>APPENDIX</b>	<b>35</b>
RECOMMENDED VENDORS TO USE FOLLOWING DECISION TO PROCEED:	35
FUTURE TECHNOLOGIES	35
RESPONSIBILITY MATRIX	36

## EXECUTIVE SUMMARY

The purpose of this document is to provide the City of Fort Bragg (city) with a high-level overview of a Digital Infrastructure Plan which includes desktop design and estimated build costs for a Fiber to the Premise (FTTP) broadband deployment project, as well as a potential path for operating and servicing customers over the network. The resulting project information will allow city to make an informed decision on the next steps in providing Fort Bragg with a digital infrastructure (underground conduit, fiber, and electronics) and to provide high-speed internet service to residences/businesses within the City Limits of Fort Bragg with a resilient and future proof underground fiber-optic based network capable of serving residences, businesses, and anchor institution.

An assessment of the broadband availability found there are four primary Internet service providers in Fort Bragg providing service over fiber optic cable, cable TV (Radio Frequency cable) systems, copper DSL, fixed wireless, dial-up, and satellite internet. The two largest providers of fiber-based Internet services are AT&T and Comcast, mostly in the more business concentrated areas in the city. Sonic has recently come into Mendocino, offering high-speed Internet services using AT&T Unbundled Network Elements (UNE), i.e., aged AT&T copper pair infrastructure. In addition to these three providers, several smaller fixed wireless Internet service providers, including North Coast Internet, and Mendocino Community Network (MCN); however, these providers cannot scale a robust high-speed network like fiber optic cable delivered systems. It is public knowledge that Fort Bragg consumers are unhappy with current high-speed Internet providers, both from speed and service issues, and little can be done to motivate incumbent carriers to address the issues by deploying underground fiber infrastructure.

Fort Bragg needs a Digital Infrastructure Plan that positions city to control their own destiny, especially with forthcoming technologies expected in the next few years, all of which require greater bandwidth than what traditional service provider technology can generate. This plan calls for the funding and construction of a fiber-to-the-premise (FTTP) network. It is planned that customers will be able to obtain fiber-based technology with speeds up to 10 Gbps at or near current incumbent pricing. This plan also identifies MCN as the service provider who is fully capable of providing service, this eliminating the need for the city to become an ISP. MCN and the City will negotiate wholesale and retail pricing once detailed engineering is completed, total cost is determined, and funding sources identified.

The result of this analysis demonstrates the cost of owning a fiber network capable of providing much needed affordable broadband services to its residence and business customers, and can do so without the risks associated with starting up an ISP; MCN will do that for the city.

# FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

## PROJECT OVERVIEW

PROJECT OVERVIEW
<p><b>Management and Design:</b> City Smart Consulting (CSC) and its partners have planned, and performed a desktop-designed project for implementation, as part of the <b>City of Fort Bragg Digital Infrastructure Plan 2021-2025</b>. The CSC team collaborated with PalniES Engineering, Walker and Associates, ADTRAN, and Juniper to design the project for next steps implementation. Additionally, CSC coordinated and received feedback from MCN, who is being considered as the service provider responsible to manage and operate the end-user customer under a service agreement with the city.</p>
<p><b>Targeted Households/Businesses:</b> The project in the <b>City of Fort Bragg</b> is targeted to reach approximately 4000 homes/business addresses within the city limits. Specifically, residences comprise 3100 households, while businesses comprise 900 locations. Residence and businesses represent 2654 structures; some structures like MDU's and Multi-tenant businesses share a single building structure.</p>
<p><b>Network Architecture:</b> The approach is to bring between to 1 – 10 Gbps Internet connectivity and voice service to all homes, businesses, towers, and anchor institutions in the community areas via a robust underground fiber-based last-mile fiber distribution system. The projects have three infrastructure components – 1) Last-Mile Distribution Systems, 2) Data Center Electronics, and 3) Fiber to the Premise Drops</p>
<p><b>Estimated Capital Cost:</b> The estimated cost to implement all three Components is <b>\$12,156,845</b></p>
<p><b>Deployment Schedules:</b> The deployment schedule for this project with an assumed construction start date of June 2022 and a final completion date of June 2025 or a total of 36 months from start to finish. The base infrastructure passing homes should take 20 weeks or less, while drops to be placed upon service request and will be ongoing until a service drop reaches all locations estimated in 2025.</p>

## INTRODUCTION

### IMPLEMENTATION OF THE DIGITAL INFRASTRUCTURE PLAN

Recommended stated goal of the **City of Fort Bragg** is to:

“Provide a digital infrastructure for affordable high-speed Internet access for 100% of households and businesses by 2025.”

*High-speed Internet, for the purposes of this plan is defined as gigabit service (1-10 Gbps or higher). This is an ambitious goal, but critical for the economic future of Fort Bragg and through advancements in technology it is possible.*

The **Plan** has three objectives:

- 1) Develop Projects to Deploy **Fiber Optic Cable** based technology to City of Fort Bragg
- 2) Create Policies that Local Government can Support to **Improve the Network and Facilitate Future Technologies**
- 3) Develop Projects that **Improve Resiliency and Redundancy** in Digital Infrastructure Systems

When this project is completed, nearly 3,100 households and 900 businesses will have broadband access at 21<sup>st</sup> century gigabit speeds. There will also be a technologically advanced, robust, and diverse fiber-based infrastructure around the city, as depicted on the maps included in this document.

## PROJECT PLANNING ASSUMPTIONS

The following are the key assumptions that guided the team in developing the City of Fort Bragg, Digital Infrastructure Plan:

- One hundred (100%) percent of the households and businesses are to be connected via underground conduit and fiber installation. Underground fiber design is to preserve and “future proof” the infrastructure during severe storms, wildfires, and other unforeseen disasters. According to an assessment by Magellan Advisors for Napa County, 30 percent of the telecommunications infrastructure was damaged by the 2017 wildfires. The underground infrastructure was not damaged.<sup>1</sup>
- Project will use Internet backhaul provided by AT&T to connect end-users with the world-wide Internet; AT&T is the only provider for this service at this time. There are other

---

<sup>1</sup> <http://www.mendocinobroadband.org/wp-content/uploads/Napa-County-Fiber-Infrastructure-Engineering-Assessment-Report.pdf>



efforts underway that could provide other backhaul choices soon. The State of California is pursuing a state-wide Open-Access middle-mile project.

- The fiber optic cable approach in this project is to provide capabilities up to 10 Gbps Internet connectivity to all households, large and small businesses, anchor institutions, and other institutions in the community areas, via a robust underground fiber optic cable network. Additionally, this network can provide Internet backhaul for WISP's and Cellular providers that wish to utilize network. The network will be available for any provider who desires to have fiber connectivity.
- The host Data Center will be located 416 N. Franklin Street, in Fort Bragg and will be equipped with Juniper Routers, ADTRAN Optical Line Terminal (OLT) XGSPON 10 Gig line cards, Fiber-optic patch panels, local 32:1 splitter, backup power, HVAC, and fire suppression equipment. This location already has a sufficient backup generator in the event of prolonged power outages. The location will have diverse dual entrance conduits connected to AT&T backhaul services.
- Cost estimates are based upon desk-top design; prior to moving forward the city will need to perform detailed engineering and obtain firm quotes following city construction and procurement policies.
- MCN is the service provider; the city provides fiber optic cable infrastructure and electronic equipment only, while MCN markets, sells, provisions, bills, and repairs customers (service activation and service assurance).
- MCN will pay a wholesale fee to the city for use of the fiber infrastructure.
- Network to be designed as future proof to facilitate growth and future technological advancements.

## BROADBAND NETWORK OVERVIEW

### OVERVIEW OF THE NETWORK ARCHITECTURE

The approach is for MCN to offer up to 10 Gbps Internet connectivity to all homes, businesses, towers, and other institutions in the community areas via a robust underground last-mile fiber distribution system. The city will design & engineer, build, and operate the entire network infrastructure by providing all the necessary equipment to light the last-mile network (city is network owner). MCN will serve as the service provider with the primary goal to provide a reliable high-speed Internet network service to all potential users in the community at a competitive price, encouraging economic development, and providing excellent customer service. The city will monitor MCN service results via a Subscriber Service Level Agreement (SLA) to ensure service meets or exceeds user expectations.

## FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

Through partners (fiber cable manufacturers, electronic equipment providers), the infrastructure owner/provider (city) will detail design and build the network utilizing a passive optical network design for residential and small business, and some active Ethernet (dedicated fibers from data center to their location) for larger businesses. City will utilize this approach to create a state-of-the-art network design with the future in mind.

The plan for in the city is to have a centralized data center located at 416 N. Franklin St, that will host Internet electronics equipment that connects with nine XGS-PON splitter cabinets located throughout the city. The data center will be supplied with Core Routing, Edge routing, and Optical Line Terminal equipment (OLT). The data center will have eight-hours back-up power via batteries and will further be supported by an existing backup generator in the event of prolonged power outage.

Nine distribution areas (DA's) will be designed with passive splitter cabinets that will be placed throughout the community. The distributed cabinets will be based upon the size of the distribution area and distance reach of optical port cards. In each location, there will be an above ground passive XGS-PON cabinets<sup>2</sup>. These locations we will serve as the aggregated fiber locations where conduit, fiber cable, and fiber distribution terminals serving each home/business will be fed from. The cabinets will look similar to what incumbent providers already have within the city ROW.

At each end-user location, construction crews will place underground conduit and fiber drop wire connected from the fiber service terminal (FST) to a connection point at each location at or near current utility entrance point (demark); this completes the fiber infrastructure owned by the city.

Upon service request, MSN will arrive at the home/business and place the ONT device (fiber termination). Once fiber is located at the side of the structure the demark location has been established. MCN will perform service installation by installing in-building fiber cable from the demark location inside the home or business. During the installation process, MCN will place an integrated optical network termination device (ONT) with four ethernet ports, a voice service port, and indoor Wi-Fi 6 capabilities.

For larger businesses, city will provision a dark or lit fiber service using traditional industry interconnection equipment (small router). The city will terminate fiber at the main point of entry (MPOE), MCN will work with customer on inside wire design and installation.

Internet peering and voice service including diverse 911 path to Mendocino County PSAP is planned to be from primary network data center. The city along with MCN will install fiber and routing equipment that will provide much needed diverse routing ensuring diversity for 911-service as well as internet backhaul. Infrastructure to be placed between data center and MCN data center to allow network interconnection. MCN performs these functions today for their existing customers.

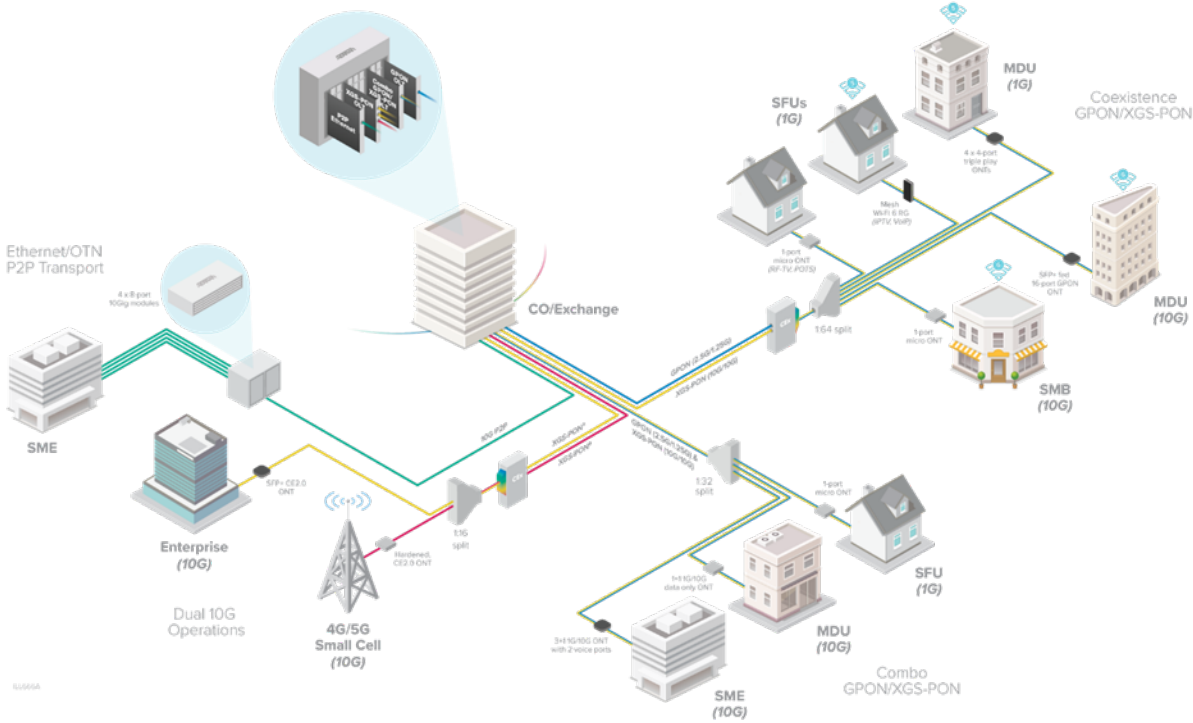
---

<sup>2</sup> The passive cabinets do not require power as there are no electronics, just fiber splitters.

# FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

AT&T is the only carrier that can provide Internet backhaul capacity, as a result the city and MCN would build in as much diversity as possible until other options are available; this is the current situation in Fort Bragg. As new long-haul options become available MCN will provide much needed diversity for this important component of the project. Backhaul providers will be chosen by and paid for by MCN through an open quote process (even though it is AT&T network) Backhaul circuits to be activated once the network nears completion; pricing varies greatly and is expected to be lower as time goes on. Internet backhaul is designed to be reliable, with improved performance. MCN understands how to manage backhaul and have been doing it for years. See Figure 1 – Basic Industry High-level Network Architecture.

*Figure 1: Basic Industry High-Level Network Architecture (Cite: Walker and Associates)*

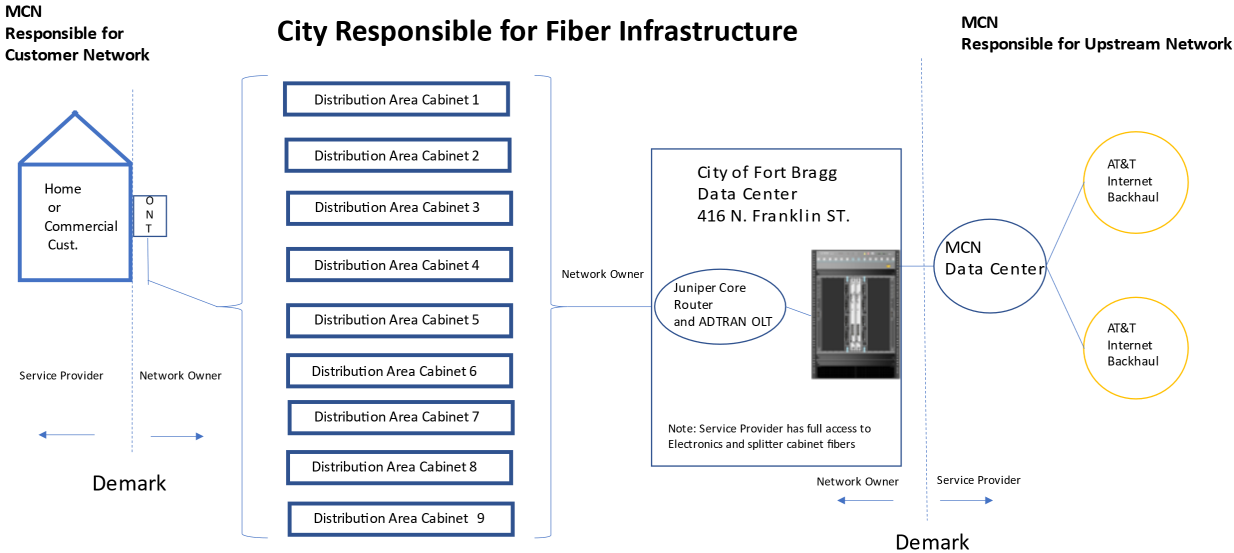


# FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

The Fort Bragg specific network architecture is based upon the same design concepts found in existing, larger city designs. Below is the proposed network architecture and design for the City of Fort Bragg. This architecture is easily expanded for future growth of the city. See Figure 2 City of Fort Bragg Network Architecture. You will note the separation of responsibilities between the city and MCN. A responsibility matrix has been discussed between MCN and the city with agreed upon demark locations.

Figure 2: City of Fort Bragg Network Architecture

## City of Fort Bragg - Network Architecture



## PROJECT DESCRIPTION

### DESKTOP MANAGEMENT AND DESIGN, COST, AND DEPLOYMENT SCHEDULE

**Management and Design:** CSC collaborated with vendor community to perform a desktop design to arrive at estimates, as part of the *City of Fort Bragg Infrastructure Plan: 2021-2025*,

## FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

**CSC** also collaborated with MCN as they are targeted to become the service provider; service provider must have a say in the design so they can efficiently operate and provide the levels of service they provide.

**Estimated Cost:** The City of Fort Bragg project is estimated to cost **\$12,156,845** to implement. The capital expenses are defined as: 1) detailed engineering, 2) last-mile distribution system, 2) electronics, 3) fiber to the premise drops, and 4) project management. It is recommended the city (infrastructure owner) build the electronics and last-mile distribution and then have MCN turn up service, while fiber to the home drops can be deployed when request for service activation occurs. The total cost breakdown for 100% of the locations is as follows: last-mile distribution - **\$6,980,475**, electronics and data center equipment preparation - **\$738,123** fiber to the premise drops - **\$4,082,478**, and project management - **\$355,769**.

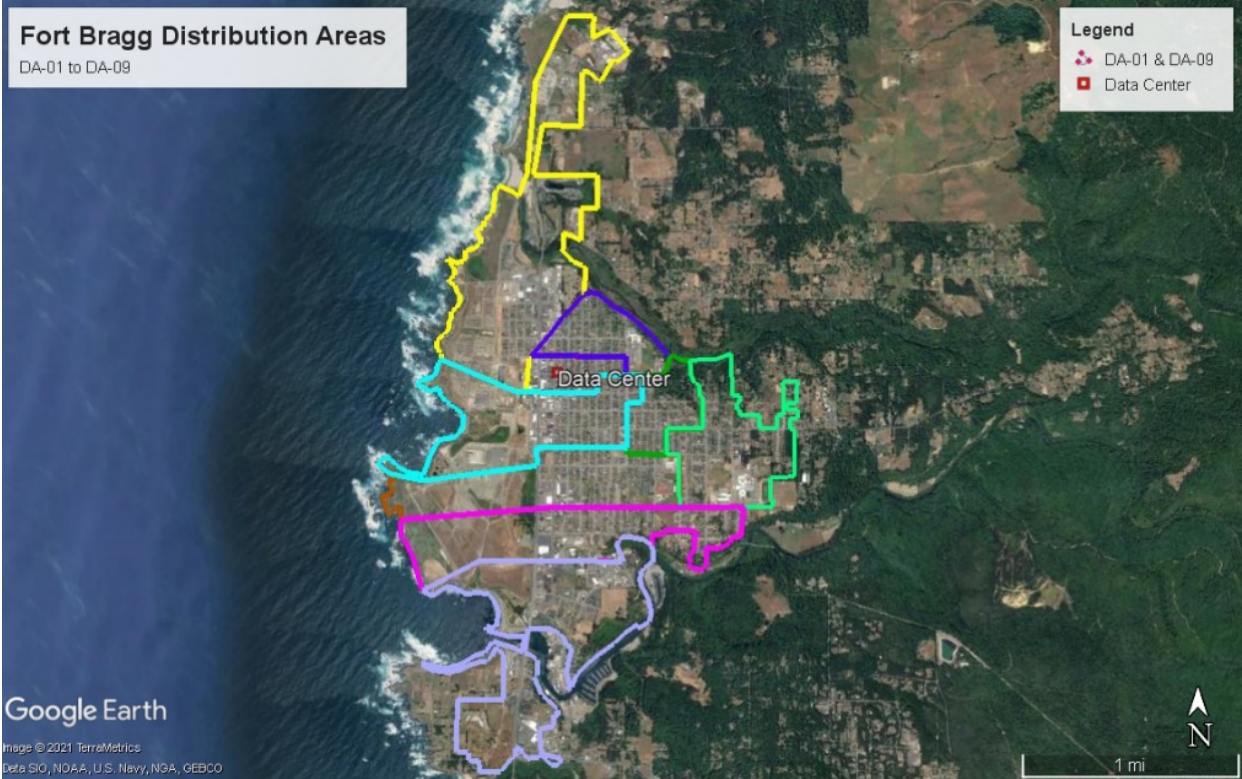
**Deployment Schedule:** The build out schedule is dependent upon a few factors of which some, but not all, are the results from detailed engineering, material availability, construction crew availability, permits, and weather. Expect timing to be determined based upon funding availability from the city. Construction work should follow an “inside-out” strategy, working from downtown area (data center) towards the outlying areas, and based upon construction crew productivity. As segments are completed, crews will focus on “optical fiber cable drops” to the homes, businesses, and anchor institutions. A separate “drops crew” will follow “construction crew” installing drops from distribution cables, and a separate crew provided by MCN completing premise wiring and turning-up service; this service activation process is dependent upon and managed through the service activation process. Due to size of this project, expect to complete electronics/data center, and last-mile distribution system in 20 weeks, while drops will be an ongoing process until all premises are connected. The deployment schedule assumed a start date of June 2022 and a completion date of June 2025 or a total of 36 months from start to finish, including the time to process all necessary permits.

## DESIGN AND BUILD METHODOLOGY

The methodology used by the team was to first gather pertinent information, such as number of residence and business location counts, city limit boundary, street maps, location of main electronics hub (data center), and type of network to be designed (XGS-PON with 32:1 split) for the Outside Plant (OSP) portion. This data was then placed into Google Earth Pro, the design tool used to derive footages. Design engineers then broke the city into manageable and technically feasible parts, titled distribution areas (DA's), see Figure 3.

# FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

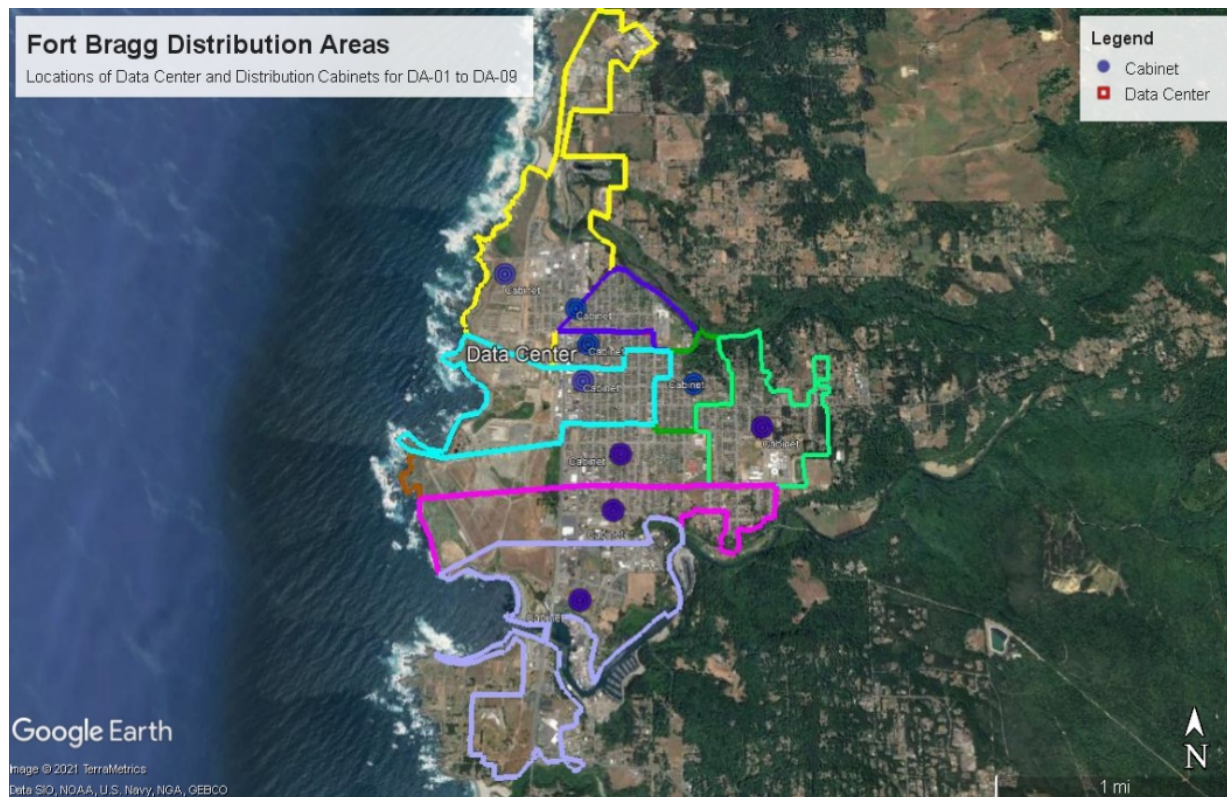
Figure 3 – City of Fort Bragg Distribution Areas



In total nine passive cabinets would be placed in each of the DA's. These nine DA cabinets sized for potential 864 customers each to facilitate future growth, will have a conduit and fiber back to the Data Center, and will house the 32:1 splitter tray's (1 fiber for every 32 customers) that connect individual locations (res/bus). See Figure 4 – Fort Bragg Distribution Areas and Cabinets.

Figure 4 – City of Fort Bragg Distribution Areas and Cabinets

## FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)



Once the main design criteria were established, the team designed conduit layout down many of the streets/alleys ensuring ability to serve structures from either side of the street, or via the alley. Cable sizes and footages were factored into the design, as were fiber subscriber terminals (FST), splice locations, and tether locations. From FST a drop conduit and fiber were designed to each structure, see Figure 5 - Sample of Fort Bragg Design. This effort completes the optical lighted path from the DC to each structure.

*Figure 5 – City of Fort Bragg Distribution Area Design Sample*



## OSP DESIGN RESULTS

### DESIGN AND DISTRIBUTION AREAS:

The results of the design are listed in the following tables. The design results reveal total number of passive cabinets and their location, footage for conduit and fiber, which include an additional 10% for extra conduit and cable to address the unforeseen and provide fiber cable slack needed for restoration in the event of cable cuts. If a cable is severed, normally through heavy equipment damage, the slack loops allow technicians to pull slack from splice points and then re-splice cable. Additionally, the design included a list of known passive materials such as, passive cabinets, splice enclosures, hand-holes, splitters, fiber service terminals, drop wire and termination. In total the design identified 157,671.80 feet serving 2,654 structures. The structures include multi-business locations as well as Multi-Dwelling Units. Note the difference



## FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

between total address locations (potential customer counts) and structures (2,654) is a result of multiple service address at a single address. Once detailed engineering is completed expect to see a more accurate count of footage and material required. For the purpose of this high-level design the amounts should be considered as very accurate for this early phase of the project. See Table 1 – Distribution Areas and Cabinet Sizing and Location.

*Table 1 – Distribution Area and Cabinet Sizing, and Location Per DA*

<b>Distribution Area and Cabinet Sizing and Location Per DA</b>		
<b>Distribution Area Design</b>	<b>Passings</b>	<b>Cabinet Location (V&amp;H Coordinants)</b>
DA-01	299	39.451748, -123.805705
DA-02	240	39.445609, -123.803831
DA-03	223	39.448146, -123.805130
DA-04	375	39.443062, -123.804286
DA-05	257	39.442897, -123.794394
DA-06	380	39.438152, -123.800944
DA-07	359	39.439956, -123.788732
DA-08	342	39.434479, -123.801572
DA-09	179	39.428814, -123.804295
<b>Totals</b>	<b>2,654</b>	

### CONDUIT FOOTAGE:

City of Fort Bragg conduit footage includes the lengths required to place the base infrastructure which includes conduit down streets and alleys, as well as crossings necessary to jump from one side of the street to the other. In total, conduit necessary to complete the design is 157,671.80 feet. The design calls for two 2.5-inch conduits for base infrastructure completion of this project, and a third 2.5-inch conduit for future unknown needs. The unknown needs could be for city needs, as well as wholesale revenue opportunities in the event of regulatory changes requiring city to open its network to other providers, this should be considered as a future revenue stream, but not contemplated in this model. Placing additional conduit provides for the city to preserve surface streets by avoiding disruption to street infrastructure at a later date. See Table 2 – City of Fort Bragg Conduit Footage.

*See Table 2 – City of Fort Bragg Conduit Footage*

## FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

City of Fort Bragg Conduit Footage						
AREA	PARCEL	CENTERLINE	CROSSING	Total Route Footage	% Adjustment for Vertical Drill & Excess	Overall Estimated Fiber Route Footage
DA 01	299	18,498	1,595	20,093	10%	22,102.30
DA 02	240	6,929	869	7,798	10%	8,577.80
DA 03	223	12,185	1,694	13,879	10%	15,266.90
DA 04	375	10,998	1,808	12,806	10%	14,086.60
DA 05	257	10,224	878	11,102	10%	12,212.20
DA 06	380	15,797	1,094	16,891	10%	18,580.10
DA 07	359	20,209	1,102	21,311	10%	23,442.10
DA 08	342	19,654	884	20,538	10%	22,591.80
DA 09	179	18,136	784	18,920	10%	20,812.00
Total	2,654	132,630	10,708	143,338		157,671.80

### PASSIVE MATERIALS:

During the placement of conduit there is five different types of passive material placed that complete the infrastructure, they are: 1) Passive Cabinets, 2) Main Service Terminals/Fiber Service Terminals, 3) Hand-Holes, 4) Splice Cases, and 5) Tethers. Hand-Holes are used to connect each structure (home or business location) with the main conduit/fiber infrastructure, typically from 1-4 connections per Hand-Hole. A Tether is the section of cable that do not having physical splice. See Table 3 – City of Fort Bragg Passive Material and Counts.

*Table 3 – City of Fort Bragg Passive Material and Counts*

City of Fort Bragg Passive Materials and Counts						
DA NO.	CABINET LOCATION	PST/CABINET	MST/FST	HH COUNT	SPLICE	TETHER
DA1	39.451748, -123.805705	864 CABINET	74	123	6	4
DA2	39.445609, -123.803831	864 CABINET	49	86	2	6
DA3	39.448146, -123.805130	864 CABINET	80	144	5	8
DA4	39.443062, -123.804286	864 CABINET	86	176	4	9
DA5	39.442897, -123.794394	864 CABINET	86	147	2	10
DA6	39.438152, -123.800944	864 CABINET	115	217	4	10
DA7	39.439956, -123.788732	864 CABINET	115	203	7	13
DA8	39.434479, -123.801572	864 CABINET	90	173	4	7
DA9	39.428814, -123.804295	864 CABINET	35	79	4	7
		Totals	730	1348	38	74

**FIBER SIZES:**

Once conduit and other passive material is installed, fiber will be pulled into conduit. There are seven different sizes of cable ranging from 24 fiber count to 432 fiber count totaling 157,671.80 feet. All fiber is loose tube, cut to size. As with conduit, the fiber has a 10% increase to facilitate the unforeseen and provide for slack loops for future growth and maintenance issues. See Table 4 – City of Fort Bragg Fiber Size and Length.

*Table 4 – City of Fort Bragg Fiber Size and Length*

<b>City of Fort Bragg Fiber Size and Length</b>			
<b>Fiber Cable Size</b>	<b>Fiber Cable Footage</b>	<b>% Adjustment for Slack</b>	<b>Overall Estimated Fiber Route Footage</b>
24 Fiber	38,937	10%	42,830.70
48 Fiber	19,795	10%	21,774.50
72 Fiber	28,050	10%	30,855.00
144 Fiber	23,373	10%	25,710.30
216 Fiber	20,171	10%	22,188.10
288 Fiber	10,406	10%	11,446.60
432 Fiber	2,606	10%	2,866.60
<b>Total Ft.</b>	<b>143,338</b>		<b>157,671.80</b>

The total estimate for the outside plant infrastructure, which includes detailed engineering labor, construction material, and construction labor cost totals \$6,980,474.53; \$44.27 per foot/\$2630.17 per 2654 passing’s. The breakdown of labor and material cost is depicted in Table 5 - Outside Plant Infrastructure Estimate below.

*Table 5 Outside Plant Infrastructure estimate*

## FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

Fort Bragg Last-Mile FTTH Network Design-Build Cost Estimate	OSP Network Engineering Labor Cost	OSP Network Construction Material Cost	OSP Network Construction Labor Cost	Overall OSP FTTP Network Engineering & Construction Cost
<b>Total</b>	\$ 260,158.47	\$1,087,892.22	\$ 5,632,424.84	<b>\$ 6,980,475.53</b>
<b>Avg Cost / Foot</b>	1.65	\$ 6.90	\$ 35.72	<b>\$ 44.27</b>
<b>Avg Cost / Passing</b>	\$ 98.03	\$ 409.91	\$ 2,122.24	<b>\$ 2,630.17</b>

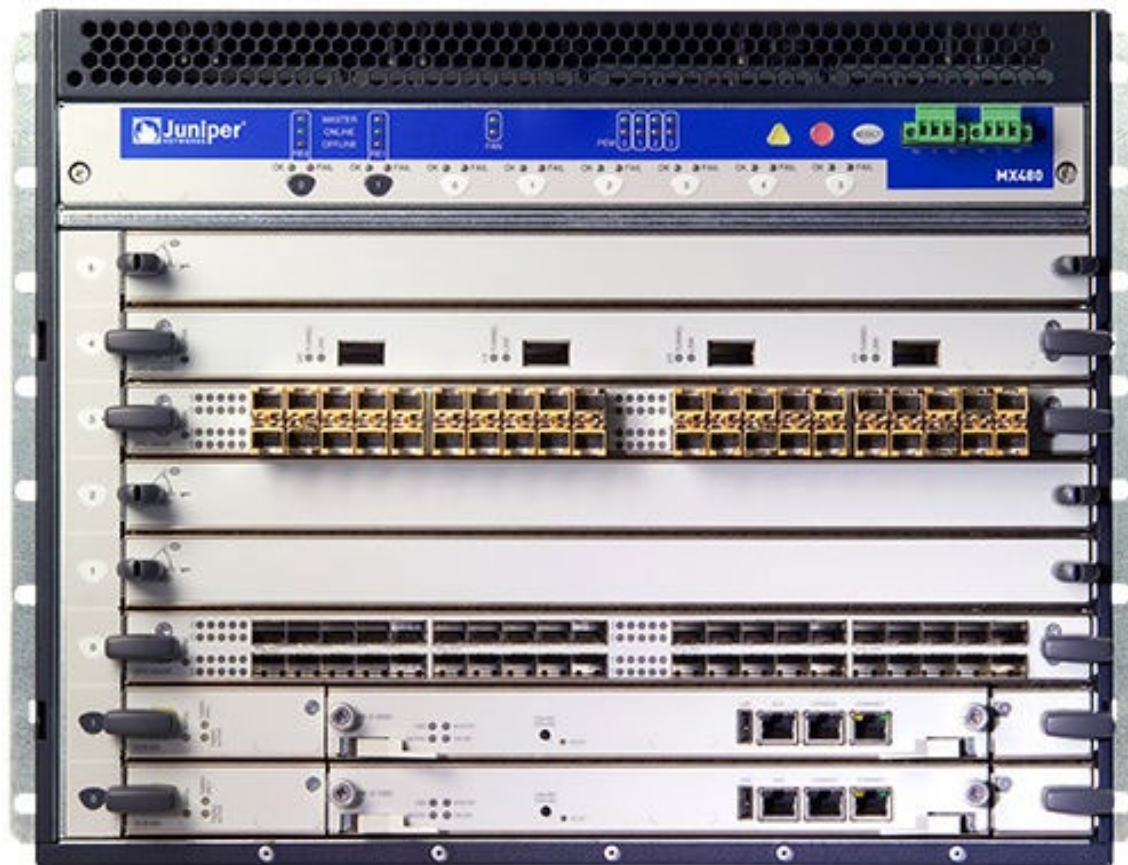
## ELECTRONICS DESIGN

The electronics design incorporates three functions: 1) Core Routing, 2) Optical Line Termination (OLT), and 3) Optical Network Termination (ONT). Each of these functions provide the lighted path from the end-user to the Internet.

## CORE ROUTING:

For this design, the team has specified Juniper core electronics equipment. Juniper has a several product lines and is a leader in core electronics space within the industry. The function of the core router is to take the aggregated signal from the OLT, provide IP addresses, and broadband gateway protocol (BGP), which allows for signals to be divided to one or more backhaul providers. Typically, BGP used to separate traffic to save backhaul by peering with Netflix, Amazon, Google. MCN has many years of experience using this product line has they currently use in their network and have approved the use of Juniper. See figure 6 for a view of the Juniper equipment.

*Figure 6 – Juniper Router*



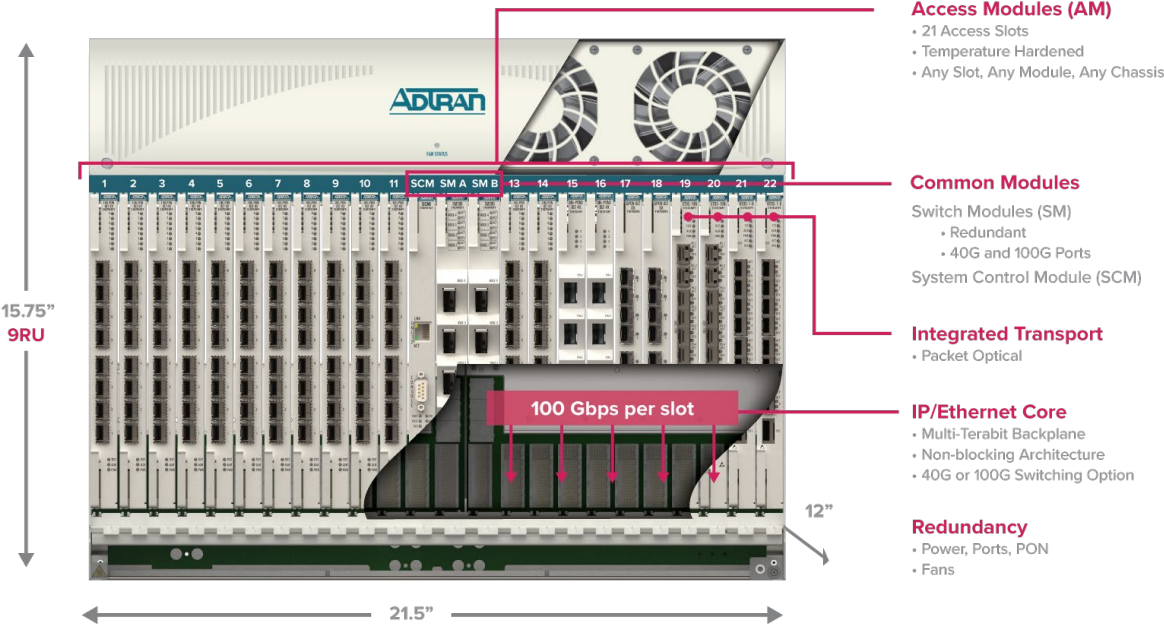
## OPTICAL LINE TERMINATION:

The team has specified ADTRAN TA-5000 equipment as the provider for Optical Line Termination (OLT). The OLT is the electronics that serve end-user by providing light from Data Center through the fiber to the end-user location. The OLT provides the light at a 32:1 split ratio at up to 10Gbps speed per customer. The OLT also provides the service activation and port assignment for customer records and information systems. MCN has many years of experience

# FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

using this product line has they currently use in their network and have approved the use of ADTRAN. See Figure 7 for ADTRAN TA-5000 Equipment.

Figure 7 – ADTRAN TA-5000 Equipment



### OPTICAL NETWORK TERMINATION:

The team has specified ADTRAN ONT's to be used at the end-user location. These devices turn the light received from the OLT into electrical signals to be used in the home. The ONT's come in various types/styles and will be decided during detail engineering and negotiations with MCN. MCN will have responsibility to install the ONT during end-user installation. Some ONT's come equipped with built in residential gateway functionality, which provides Wi-Fi 6, the latest in-home wireless specification.

Included below are both the indoor and outdoor versions of the ADTRAN ONT's and Residential Gateway's for Wi-Fi 6 throughout the home/business. See Figure 8 – Optical Network Terminal devices

*Figure 8 – Optical Network Terminals*



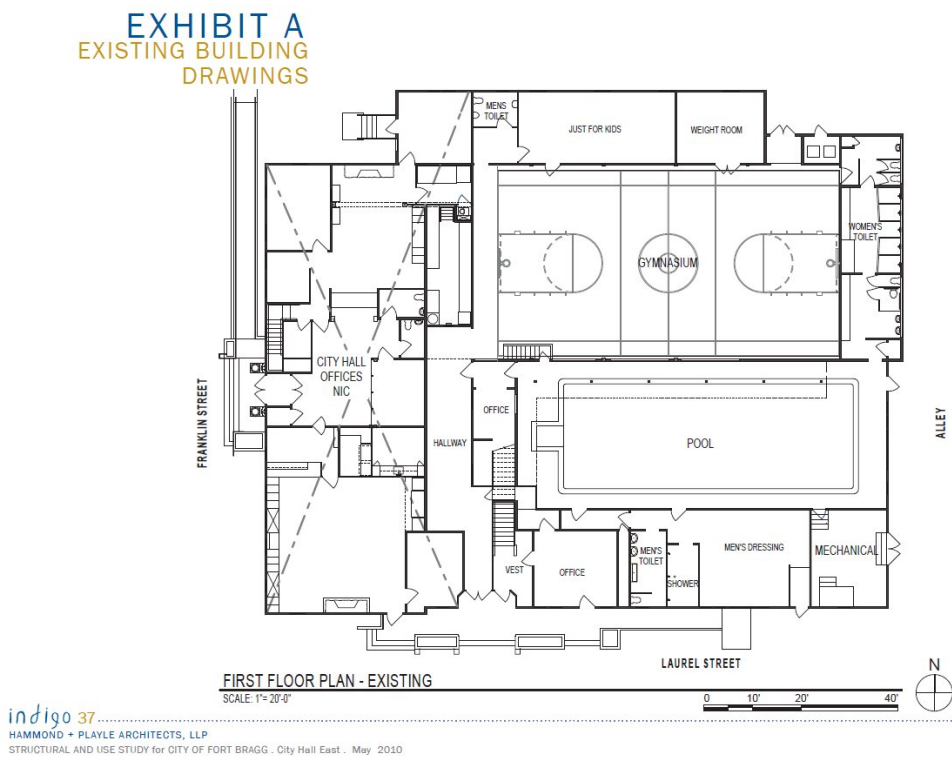
### DATA CENTER:

The data center will require remodeling to support the electronics equipment that provide the Internet service. The location contemplated is at 416 N. Franklin St. in the current women's restroom area. Remodeling will consist of removal of all plumbing, and restroom stalls. Once removed it is recommended this location be designed for level 4 earthquake bracing, which will include 2x6 boards anchored to the walls, with data center ironwork and equipment relay racks installed and adequately anchored to the floor. A 4-ohm or less ground bar will need to be connected to the building master ground bar (may already exist), and fire suppression equipment (not water sprinklers) will be installed. Lastly, there will be a need to install several conduit entrance paths to facilitate outside fiber cables, both distribution and backhaul

# FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

conduits. An electrical panel with breakers will be placed in the equipment room for A/C distribution. The existing backup generator is more than sufficient to provide power, it is recommended a transfer switch between main A/C and electronics power supply be installed. For the purpose of this study, we have estimated \$100,000.00 for the cost to remodel and prepare the data center for electronics and supporting equipment. Actual cost for the data center to be determined following detailed project engineering. See Figure 9 for proposed data center location at 416 Franklin Street.

*Figure 9 – Data Center Locations*



The total estimate for the core network, optical electronics, and data center totals \$738,122.57; The average cost per foot is \$6.54, \$257.73 per 4000 subs, and is depicted in Table 6 -Core Network, Optical Electronics, and Data Center Prep Estimate below.

*Table 6 - Core Network, Optical Electronics, and Data Center Prep Estimate*



## FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

<b>Fort Bragg Core Router Network, Data Center Prep, and OLT XGS-PON Network Design-Build Cost Estimate</b>	<b>ISP Juniper Core Router</b>	<b>ISP Data Center Prep</b>	<b>ISP OLT XGS-PON Ports &amp; Lasers</b>	<b>Overall ISP Core Router Network, Data Center Prep, and OLT XGS-PON Design-Build Estimate</b>
<b>Total</b>	\$ 457,806.40	\$ 280,316.17	\$ 292,797.99	<b>\$ 1,030,920.56</b>
<b>Avg Cost / Foot</b>	\$ 2.90	\$ 1.78	\$ 1.86	<b>\$ 6.54</b>
<b>Avg Cost / Passing</b>	\$ 114.45	\$ 70.08	\$ 73.20	<b>\$ 257.73</b>

### SUBSCRIBER ACQUISITION (DROPS AND CPE EQUIPMENT):

Material and labor costs for placement of double ended connectorized drop from MST port in Pedestal/Flower Pot to CPE Network Interface Drop (NID) via underground placement at depth greater than or equal to 12 inches and install through up to 4ft outdoor conduit to outdoor ONT (Outdoor Network Termination); conduit is used to protect fiber from yard tools. Drop includes 2 ft slack coil at each end, restoration of route path to at least previous condition. Includes up to 50ft placement under driveway, sidewalk, or other landscaping, concrete or asphalt surfaces. The total estimate for subscriber acquisition is \$3,789,680; \$24 per foot/\$947.42 per 4000 subs. See Table 7 -Subscriber Acquisition Cost Estimate.

**FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)**

*Table 7\_- Subscriber Acquisition Cost Estimate*

<b>Fort Bragg Subscriber Acquisition Cost Estimate</b>	<b>Subscriber Acquisition Material Cost (Drop &amp; CPE)</b>	<b>Subscriber Acquisition Labor Cost (Drop &amp; CPE)</b>	<b>Overall Subscriber Acquisition (Drop and CPE) Overall Cost</b>
<b>Total</b>	2,309,680	\$ 1,480,000.00	<b>\$ 3,789,680.00</b>
<b>Avg Cost / Foot</b>	\$ 14.65	\$ 9.39	<b>\$ 24.04</b>
<b>Avg Cost / Passing</b>	\$ 577.42	\$ 370.00	<b>\$ 947.42</b>

**PROJECT MANAGEMENT:**

A project of this size will require a project management office (PMO) to manage the undertaking. With that said, the city may have the existing resources to manage this project; extending the existing resources would be to your advantage as the people and processes exist, it is just a matter of adding workload to your city team. For the purpose of this analysis, we are including the cost of a separate PMO entity. The roles within this entity are project managers, construction inspectors, and accounting; typically, there is a legal component to this project, but we are assuming all contracts involved would be administered by current city staff.

Assumptions - PM hired full-time for 3years; Inspectors and Accountants employees stay until completion of base infrastructure, 25 weeks estimated. Have extended 5 additional weeks to close-out initial base infrastructure paperwork, completion of drawings, and recording of

# FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

assets. At completion of base infrastructure, assumption is city can take over the day-to-day operation of overseeing drop and ONT installs (5.5 per day). The dollars for installs are in capital budget; as an option, you can pay MCN for this work, hire new city staff, or leverage existing staff. Would recommend city consider hiring the PM as a fulltime employee during the construction and to manage the MCN service provider contract; PM would be MCN's single point of contact within the city. See Table 8 - PMP Office.

*Table 8 - PMO Office*

PMO Office	Annual Salary	Hourly Rate	Weekly rate	Year 1 (25 weeks)	Year 2 (50 weeks)	Year 3 (50 weeks)	Total
Project Manager	\$ 100,000.00	\$ 48.08	\$ 1,923.08	\$ 48,076.92	\$ 96,153.85	\$ 96,153.85	\$ 240,384.62
Inspector 1	\$ 90,000.00	\$ 43.27	\$ 1,730.77	\$ 43,269.23			\$ 43,269.23
Inspector 2	\$ 90,000.00	\$ 43.27	\$ 1,730.77	\$ 43,269.23			\$ 43,269.23
Accounting	\$ 60,000.00	\$ 28.85	\$ 1,153.85	\$ 28,846.15			\$ 28,846.15
	<b>\$ 340,000.00</b>			<b>\$ 163,461.54</b>	<b>\$ 96,153.85</b>	<b>\$ 96,153.85</b>	<b>\$ 355,769.23</b>

**Total Fort Bragg Design and Build Estimate:**

The total costs for the entire network infrastructure at 100% take rate (full utility model) which includes all three components for underground fiber/conduit and passive materials, Data Center prep, Core electronics, XGS-PON Optical Line Termination, Drops, and ONT is listed in Table 9.

*Table 9 – Total Network Cost*

## FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

Fort Bragg Last-Mile FTTH Network Design-Build Estimated Cost	Overall OSP FTTP Network Engineering & Construction Estimated Cost	Overall ISP Core Router Network, Data Center Prep, and OLT XGS-PON Design-Build Estimated Cost	Overall Subscriber Acquisition (Drop and CPE) Overall Estimated Cost	Project Management Office (PMO) Estimated Cost	Overall Total Network Estimated Cost
<b>Total</b>	<b>\$ 6,980,475.53</b>	<b>\$ 1,030,920.56</b>	<b>\$ 3,789,680.00</b>	<b>\$ 355,769.23</b>	<b>\$12,156,845.32</b>
<b>Avg Cost / Foot</b>	<b>\$ 44.27</b>	<b>\$ 6.54</b>	<b>\$ 24.04</b>	<b>\$ 2.26</b>	<b>\$ 77.10</b>
<b>Avg Cost / Passing</b>	<b>\$ 2,630.17</b>	<b>\$ 257.73</b>	<b>\$ 947.42</b>	<b>\$ 88.94</b>	<b>\$ 3,039.21</b>

Table 10 below shows the annual spend for 100% take rate and includes FTTP infrastructure, electronics and data center, and drops/CPE. This would be the entire amount at 100% of city build.

*Table 10 – 3 Year Estimated Cost at 100% Take Rate*

Overall Total Network Cost	Overall Total Year 1 Estimated Costs	Overall Total Year 2 Estimated Costs	Overall Total Year 3 Estimated Costs
<b>\$12,156,845.32</b>	<b>\$ 9,630,391.98</b>	<b>\$ 1,263,226.67</b>	<b>\$1,263,226.67</b>
<b>\$ 77.10</b>			
<b>\$ 3,039.21</b>			

## CONSTRUCTION SCHEDULE

The construction schedule at this juncture should remain open until a final decision has been made as well as how much annually the city decides to spend on the infrastructure. For example, if the city wants to delay build over several years the schedule would be extended.

# FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

For the purpose of providing a timeline to the city on the amount of time it will take to build the base infrastructure, this study indicates 20 weeks using a two-crew approach; this approach is standard for most contractors. The timeline is based upon the number of available workdays in a week, number of crews, and the production footage per day in terms of feet of conduit/cable placed (800 ft.).

Other factors that impact the schedule are weather conditions, traffic control, material and labor availability. As a note to consider, under current economic conditions, material and labor are a concern, as is the amount of grant monies the current state and federal leaders are considering is enormous. Additionally, material and labor shortages are impacting telecommunications industry as a result of the pandemic and the mount of projects around the country. The recommendation is for the city to decide and then get into material/labor ques as soon as possible. The industry faced this challenge back in 2010 during the ARRA Projects, but quickly increased factory output and ended up being managed with slight project delays. See Table 10 – Construction Schedule (estimated).

*Table 10 – Construction Schedule (estimated)*

<b>OSP Construction Schedule (estimated)</b>				
<b>Allowed Workdays Per Week</b>	<b>UG Production Per Crew Per Week</b>	<b>Qty of UG Crews</b>	<b>Overall Weekly UG Production</b>	<b>Estimated Construction Weeks</b>
<b>5</b>	<b>800</b>	<b>2</b>	<b>8000</b>	<b>20</b>

## NETWORK OPERATOR/SERVICE PROVIDER DEFINED

MCN is being considered for the role of service provider. MCN has a long relationship with the City of Fort Bragg and surrounding areas. The Mendocino Community Network (MCN) is a business owned and operated by the Mendocino Unified School District. MCN mission is to provide high-quality Internet services to the school district, customers, and the communities they serve. MCN has been providing internet in the community for over 25 years. In the early

days MCN provided dialup to over 8000 customers in Mendocino County and across the country. Currently MCN offers DSL internet and POTS (plain old telephone service) service to over 1000 customers in Fort Bragg as well as Fixed Wireless and VOIP telephone services. MCN registers and hosts over 1000 domains, websites and more than 4000 email accounts. MCN currently has eight full time employees and one part time employee.

MCN was created from the school district to provide much needed Internet service to students. Since its beginning, MCN has significantly expanded service locations, and offers a wide range of services beyond basic Internet connectivity. MCN offers affordable speed and pricing tiers for Internet, and voice services.

During this analysis MCN, specifically Sage Stathe, who we consider fully qualified, was asked to participate with providing background information necessary to determine if they are a valuable resource to facilitate City digital infrastructure plan and rollout. Below is a list of inputs received from MCN:

- **Ability to scale resources** – MCN expects some incremental increases and will depend on the take rate, and speed of construction.
- **Detailed plan on service activation and service assurance functions** – MCN currently offers regular tech support during 9AM-6PM Monday through Friday. They have a technician on call 24-7 that can start trouble tickets, trouble shoot Internet and voice issues, and forward calls to secondary technical teams as needed. MCN an internal tracking system for monitoring orders, trouble tickets and dispatches. The Manager and Insider Operations Manager handle sales and marketing (technicians in the field are salespeople by association). MCN promotes via radio, newspaper, social media, MTA Bus Ad, Our website, and MCN Email Mailing List.
- **Backhaul** – MCN currently provides backhaul services to their existing customer, have plenty of experience to provide backhaul to city network.
- **Outside Plant Design (OSP) and Electronics Equipment** – MCN has agreed to the design criteria of a 32:1 fiber split, as well as using Juniper Routers with dual 40 Gbps uplinks, and ADTRAN T5000 Optical Line Terminal product configured with XGSPON (10 Gbps).
- **Data Center Location** - MCN has agreed to all electronic equipment to be located at city office at 416 N. Franklin St. MCN will require complete access to the network equipment provided by the city in order to serve customers.
- **IP Addresses** – MCN has a /32 of IPv6, more than sufficient for this project. MCN currently has a /20 IPv4 addresses and have adequate addresses to provide Network Address Translation (NAT) of public IP's and static IP's addresses for customers who request them

## FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

(currently using 86 static IP's in all of Fort Bragg). MCN does not have enough IPv4 to assign a public IP to every home; this would only come into play if we were designing and all active Ethernet network, of which we are not proposing this type of design.

- **MCN Service Offering** - Basic Internet at three speed/price tiers (to be negotiated), Video, and Voice services. MCN confirmed the ADTRAN ONT plus Wi-Fi 6 Wireless Gateway, four ethernet ports, with two Voice ports located at the home/business will support their offerings.
- **Inside Wire** – MCN will facilitate service activation/assurance from the ONT demark on the side of the home and will facilitate all in home/business wiring necessary to make operational. The city will be responsible for OSP fiber maintenance, underground fiber restoration, cable locates, and Data Center maintenance and utilities, of which some of these functions can be provided by MCN.

## PRO-FORMA

The pro-forma will identify three-line items for revenue: 1) Residential Fee, and 2) Commercial Fee, and Large Commercial Fee. As project evolves, there could be other forms of revenue such as MCN providing services to Cell Providers, and WISP's. In addition to the revenue, there will be expense line items for network infrastructure management; costs the city will incur as the network owner. Pro-forma also shows the capex required for the project and is identified into three parts parts: 1) initial infrastructure placement (fiber and electronics), 2) ongoing drop and CPE placement, and 3) electronics refresh in year 8 (electronics require a refresh every eight years). The city will need to decide if they want to deploy a 100% connectivity (utility model) to

## FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

every premise, or not; for the purpose of this study, we are showing a conservative 60% take rate.

It is up to the city to determine how they fund this network, this can be accomplished with cash, or debt through the use of bonds, available grant funds (state and or federal), or combination of all three. The model shows an example of debt for your analysis. When the city moves forward, debt structure will need to be determined.

### REVENUE ASSUMPTIONS (60% TAKE RATE)

Revenue will be received from MCN who will provide city a per customer, per type of service fee for the use of the infrastructure. The amount of fee is to be agreed upon between city and MCN through negotiations process contemplating infrastructure cost, annual maintenance, and oversight cost. The result must balance both city and MCN's needs. For the city, you will require fee's that provides for an acceptable fee that covers all expenses, and debt at a minimum. MCN needs to be able to sustain their business with some level of profit. For the purpose of this analysis a monthly fee is as follows: 1) Residential \$50.00 for 1 Gbps, Small Commercial \$150.00 for 1 Gbps, and Large Commercial \$230.00 for 5-10 Gbps; all speed and price tiers to be determined between city and MCN.

**Annual revenue at steady state in year-4 is \$2,260,020**

### EXPENSE ASSUMPTIONS (60% TAKE RATE)

The city, as the network owner will have minimal OG's and operating expenses for the day-to-day business. The expenses will be consistent with the level of involvement the city desires. The city can choose to outsource much of the responsibility to MCN or others as desired. At a minimum the recommendation is to leverage existing staff to oversee the business. Since the actual service will be handled by MCN (service Provider), the city should have a broadband liaison to oversee monthly results both in through a service and financial audit process. Additionally, the recommendation is for the city to utilize existing staff and heavy equipment for infrastructure damage restoration.

The model contemplates COG's and Operating Expenses. There are four categories in COG's – 1) Electricity Cost for Data Center, 2) Cable Locates, 3) OSP Maintenance, and 4) Network Owner Broadband Manager. The assumption is to hire Project Manager during the build, while transitioning to the role of Network Owner Broadband Manager following initial build beginning in year four. Operating Expenses consist of two categories – 1) Internet Expense Savings, and 2) Professional Fees.

#### **COGS:**

- 1) Annual Electricity - \$6,000
- 2) Annual Cable Locates - \$7,200
- 3) Annual OSP Maintenance - \$12,000
- 4) Annual Network Owner Broadband Manager - \$120,000

**Annual COG's at steady state in year-5 is \$145,200**



## FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

### **Operating Expense:**

- 1) Annual Internet Savings – (\$6,000) Note: assumed city Internet/Telephone to be free
- 2) Annual Professional Fee's - \$12,000

**Gross Profit at steady state in year-5 is \$2,174,820**

# FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

## 10-YEAR INCOME STATEMENT:

CITY of FORT BRAGG							
PRO FORMA INCOME STATEMENTS, ANNUAL							
60% Take Rate Model							
	Y1	Y2	Y3	Y4	Y5	Y10	
<b>Revenue</b>							
Fiber asset fee (speed and price tbd)	225,750	636,300	1,029,600	1,132,200	1,132,200	1,132,200	
Fiber asset fee (bus. speed and price tbd)	451,500	1,067,400	1,101,600	1,101,600	1,101,600	1,101,600	
10 Gbps (Large Businesses/gamers)	20,114	26,220	26,220	26,220	26,220	26,220	
- Static IP	-	-	-	-	-	-	
- Multi-Gig Routing	-	-	-	-	-	-	
- Whole Home Wi-Fi	-	-	-	-	-	-	
- Other	-	-	-	-	-	-	
<b>Total Revenue</b>	<b>697,364</b>	<b>1,729,920</b>	<b>2,157,420</b>	<b>2,260,020</b>	<b>2,260,020</b>	<b>2,260,020</b>	
<b>Cost of Goods Sold</b>							
- Telecommunications Backhaul	-	-	-	-	-	-	
- Net Fabric	-	-	-	-	-	-	
- Alianza VoIP	-	-	-	-	-	-	
- Electricity at 416 Franklin St.	6,000	6,000	6,000	6,000	6,000	6,000	
- Cable Locates	7,200	7,200	7,200	7,200	7,200	7,200	
- OSP Maintenance	12,000	12,000	12,000	12,000	12,000	12,000	
- Customer/Technical Support	-	-	-	-	-	-	
- Installation & Repair Technicians	-	-	-	-	-	-	
- Network Technicians	-	-	-	-	-	-	
Project Manager (first 3 years Capitalized)	-	-	-	60,000	120,000	120,000	
- Technician Vehicle Expense	-	-	-	-	-	-	
- Billing and Back Office Systems	-	-	-	-	-	-	
- Developer or Mineral Rights Fee	-	-	-	-	-	-	
<b>Total Cost of Goods Sold</b>	<b>25,200</b>	<b>25,200</b>	<b>25,200</b>	<b>85,200</b>	<b>145,200</b>	<b>145,200</b>	
<b>Gross Profit</b>	<b>672,164</b>	<b>1,704,720</b>	<b>2,132,220</b>	<b>2,174,820</b>	<b>2,114,820</b>	<b>2,114,820</b>	
<b>Operating Expenses</b>							
- Advertising and Promotion	-	-	-	-	-	-	
- Auto Expenses	-	-	-	-	-	-	
- Rent	-	-	-	-	-	-	
- Telephone	-	-	-	-	-	-	
- Internet (free svc. from MCN)	(72,000)	(72,000)	(72,000)	(72,000)	(72,000)	(72,000)	
- Office Supplies	-	-	-	-	-	-	
- Professional Fees	12,000	12,000	12,000	12,000	12,000	12,000	
- Miscellaneous	-	-	-	-	-	-	
<b>Total Expenses</b>	<b>(60,000)</b>	<b>(60,000)</b>	<b>(60,000)</b>	<b>(60,000)</b>	<b>(60,000)</b>	<b>(60,000)</b>	
<b>Operating Profit</b>	<b>732,164</b>	<b>1,764,720</b>	<b>2,192,220</b>	<b>2,234,820</b>	<b>2,174,820</b>	<b>2,174,820</b>	
Interest	294,932	299,418	289,312	274,727	261,807	190,968	
Taxes	-	-	-	-	-	-	
Depreciation and Amortization	694,548	875,008	875,008	875,008	875,008	452,596	
- Subtotal	989,480	1,174,426	1,164,320	1,149,735	1,136,815	643,563	
<b>Pre-tax Profit (Loss)</b>	<b>(257,316)</b>	<b>590,294</b>	<b>1,027,900</b>	<b>1,085,085</b>	<b>1,038,005</b>	<b>1,531,257</b>	
<b>EBITDA</b>	<b>732,164</b>	<b>1,764,720</b>	<b>2,192,220</b>	<b>2,234,820</b>	<b>2,174,820</b>	<b>2,174,820</b>	

# FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

## 10-YEAR CASH FLOW STATEMENT:

CITY of FORT BRAGG							
PRO FORMA CASH FLOW STATEMENTS, ANNUAL							
60% Take Rate Model							
	Y1	Y2	Y3	Y4	Y5	Y10	
<b>Receipts</b>							
- Collections	697,364	1,729,920	2,157,420	2,260,020	2,260,020	2,260,020	
- Investment	-	-	-	-	-	-	
- Loans	10,000,000	400,000	-	-	-	-	
<b>Total Receipts</b>	<b>10,697,364</b>	<b>2,129,920</b>	<b>2,157,420</b>	<b>2,260,020</b>	<b>2,260,020</b>	<b>2,260,020</b>	
<b>Disbursements</b>							
- Cost of Goods Sold	25,200	25,200	25,200	85,200	145,200	145,200	
- Advertising and Promotion	-	-	-	-	-	-	
- Auto Expenses	-	-	-	-	-	-	
- Rent	-	-	-	-	-	-	
- Telephone	-	-	-	-	-	-	
- Internet (free svc. from MCN)	(66,000)	(72,000)	(72,000)	(72,000)	(72,000)	(72,000)	
- Office Supplies	-	-	-	-	-	-	
- Professional Fees	11,000	12,000	12,000	12,000	12,000	12,000	
- Miscellaneous	-	-	-	-	-	-	
- Franchise Taxes/Other Taxes	-	-	-	-	-	-	
- Interest	294,932	299,418	287,260	274,727	261,807	190,968	
- Principal Repayment	370,585	395,186	407,344	419,877	432,797	503,637	
- Capital Expenditures	9,630,392	1,263,223	-	-	-	-	
- Distributions	-	-	-	-	-	-	
- Working Capital	-	-	-	-	-	-	
<b>Total Disbursements</b>	<b>10,266,109</b>	<b>1,923,027</b>	<b>659,804</b>	<b>719,804</b>	<b>779,804</b>	<b>779,804</b>	
<b>Net Cash Flow</b>	<b>431,254</b>	<b>206,893</b>	<b>1,497,616</b>	<b>1,540,216</b>	<b>1,480,216</b>	<b>1,480,216</b>	
Beginning Balance	-	431,254	638,148	2,135,763	3,675,979	10,476,574	
Ending Balance	431,254	638,148	2,135,763	3,675,979	5,156,195	11,956,790	

# FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

## 10-YEAR BALANCE SHEET STATEMENT

CITY of FORT BRAGG							
PRO FORMA BALANCE SHEET STATEMENTS, ANNUAL							
60% Take Rate Model							
	Y1	Y2	Y3	Y4	Y5	Y10	
<b>Current Assets</b>							
- Cash	431,254	638,148	2,135,763	3,675,979	5,156,195	11,956,790	
- Accounts Receivable	-	-	-	-	-	-	
- Prepaids	-	-	-	-	-	-	
- Other Current Assets	-	-	-	-	-	-	
<b>Total Current Assets</b>	<b>431,254</b>	<b>638,148</b>	<b>2,135,763</b>	<b>3,675,979</b>	<b>5,156,195</b>	<b>11,956,790</b>	
<b>Fixed Assets</b>							
- Capital Equipment	9,630,392	10,893,615	10,893,615	10,893,615	10,893,615	11,494,099	
- Accumulated Depreciation	(694,548)	(1,569,555)	(2,444,563)	(3,319,571)	(4,194,579)	(7,482,843)	
<b>Total Fixed Assets</b>	<b>8,935,844</b>	<b>9,324,059</b>	<b>8,449,051</b>	<b>7,574,043</b>	<b>6,699,035</b>	<b>4,011,256</b>	
<b>Total Assets</b>	<b>9,367,099</b>	<b>9,962,207</b>	<b>10,584,815</b>	<b>11,250,022</b>	<b>11,855,230</b>	<b>15,968,046</b>	
<b>Current Liabilities</b>							
- Accounts Payable	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	(5,000)	
- Line of Credit	-	-	-	-	-	-	
- Other Current Liabilities	-	-	-	-	-	-	
<b>Total Current Liabilities</b>	<b>(5,000)</b>	<b>(5,000)</b>	<b>(5,000)</b>	<b>(5,000)</b>	<b>(5,000)</b>	<b>(5,000)</b>	
<b>Long-Term Liabilities</b>							
- Loans Payable	9,629,415	9,634,228	9,226,884	8,807,007	8,374,210	6,002,015	
<b>Total Long-Term Liabilities</b>	<b>9,629,415</b>	<b>9,634,228</b>	<b>9,226,884</b>	<b>8,807,007</b>	<b>8,374,210</b>	<b>6,002,015</b>	
<b>Total Liabilities</b>	<b>9,624,415</b>	<b>9,629,228</b>	<b>9,221,884</b>	<b>8,802,007</b>	<b>8,369,210</b>	<b>5,997,015</b>	
<b>Equity</b>							
- Paid-In Capital	-	-	-	-	-	-	
- Distributions	-	-	-	-	-	-	
- Retained Earnings	(257,316)	332,978	1,362,930	2,448,015	3,486,020	9,971,031	
<b>Total Equity</b>	<b>(257,316)</b>	<b>332,978</b>	<b>1,362,930</b>	<b>2,448,015</b>	<b>3,486,020</b>	<b>9,971,031</b>	
<b>Liabilities + Equity</b>	<b>9,367,099</b>	<b>9,962,207</b>	<b>10,584,815</b>	<b>11,250,022</b>	<b>11,855,230</b>	<b>15,968,046</b>	

## FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

Thank you for the support and assistance we have received from individuals and entities across Fort Bragg in developing this project to further implement ***City of Fort Bragg Digital Infrastructure Plan: 2021-2025.***

## APPENDIX

### RECOMMENDED VENDORS TO USE FOLLOWING DECISION TO PROCEED:

Walker & Associates for electronics equipment, OSP material, data center Prep. Using a single vendor that supports the entire infrastructure is vital, if not you will have to establish vendor relationships with many different material providers.

ADTRAN is available through Walker & Associates, but suggest you establish a direct relationship so you can stay current on technologies, equipment hardware and software releases.; Walker & Associates will arrange for this automatically.

PalniES provided the OSP design and recommend you use them for the detailed design as this will save OSP detailed engineering charges as PalniES already has most of the design data. PalniES is a full service OSP design and engineering company capable of taking your project from cradle to grave.

### FUTURE TECHNOLOGIES

There are several new technologies available now to allow you to better serve Fort Bragg; this study provides the estimated cost of the infrastructure to place underground fiber and electronics throughout the city. When and if you progress with this project, I encourage you to look at some of these technologies in your initial deployment; they include the following:

New light pole technologies that allow for multiple uses, such as 5G/LTE, security cameras, digital signage, and several sensors (air quality, motion, soil)

Electrical vehicle charging stations will most likely be required by government between now and 2035 per mandates. Vehicle charging stations offer more than just a battery recharge, they are now SMART devices that enable credit card usage, marketing signage boards, wayfinding maps, and more.

Public Wi-Fi is another technology you should consider at all public gathering points (parks, sports fields, beaches, marinas). There are several manufactures for public Wi-Fi equipment but recommend Juniper Mist product for it low cost, and ease of operation.

Venue Applications allows for the city or Chamber to better represent their members. A typical venue app is great for tourism as app allows for wayfinding, on-line access to stores and restaurants, purchase theater tickets, and more.

Digital signage or smart boards are the latest in technology for historical downtown areas, parks, hiking trails, etc.... these digital signage boards not only provide vital information, but also serve as a revenue stream by selling marketing and marketing data collected from the

public. Typical digital signage boards are QR Code driven, meaning users can scan the board and take whatever information they obtained with them as they tour the area.

### RESPONSIBILITY MATRIX

The following responsibility matrix provides an example of how the city and MCN identify functions necessary to own and operate the network. As the project progresses, this matrix can provide the roadmap for negotiations between parties, which ultimately can be used in contractual agreements between city and MCN.

# FORT BRAGG DIGITAL INFRASTRUCTURE PLAN 2021-2025 (FTTP PROJECT)

<b>Responsibility Matrix</b>			
	P = Primary	S = Secondary	X = Sole responsibility
	City	MCN	Notes:
<b>Customer Care Center (Public Office)</b>			
Hire GM		X	City should participate
Hire support staff	-	X	
Service offering packages	S	P	City should participate to ensure constentuates are satisfied politically
Process Flows	S	P	City should participate as some issues could involve infrastructure
Terms and Conditions Agreement for service	S	P	City should participate to ensure constentuates are satisfied politically
Managing Deposits		X	
Billing intervals/mailling, messaging on bills		X	
Daily cash drawers		X	
Office Space		X	City should participate
Building Access/Alarms		X	
Dispatch	S	P	City to have a role for major infrastructure repair
Order Intervals - Scheduling	S	P	City may have a role for service activation/assurance
Bank accounts		X	
Deposits		X	
<b>OSP Operations</b>			
Service Installation	-	X	
Hiring Staff	-	X	
Vehicles	-	X	
Tool Tracking/Management system	S	P	City will purchase a fiber records management system, MCN to keep current
Technician cell phones, laptops, HH devices	-	X	
Fiber Splicing tools (Fusion Splicer, Cleaver, OTDR, Power Meter)	-	X	City may hire MCN to manage all splicing needs
Inventory Tracking Process	-	X	May involve city, discuss with MCN/ City; city should have limited cable/material on hand
Technician Training	-	X	
Technician time reporting	-	X	
Plant maintenance	P	S	This is all infrastructure related
Plant records keeping	-	-	need to discuss how to keep fiber strand inventory
Safety program for OSP/Construction	X	X	A high priority for both parties as they will jointly retore infrastructure
Technician time reporting	S	P	City to folow current processes
After hours technical support for OSP		X	
After hours call out process	S	P	City to be in loop in the event infrastrucure is damaged
Cut UG cable construction support	P	S	City to use heavy equipment to expose damaged cable, MCN to restore service (splicing)
Underground Service Alert	P	S	City could hire MCN for this function
Test and turn-up	-	X	
QA Acceptance	-	X	
Records Retention	S	P	Line extention related, need to discuss
Circuit Assignment	-	X	
Provisioning	-	X	
Change Order Requests Process	S	P	May involve city, discuss with MCN/ City
Change Order Scope/Pricing	S	P	May involve city, discuss with MCN/ City
Change Order Approval	P	S	May involve city, discuss with MCN/ City
Facilities Moves (Road moves/widening, pole moves, pole replacements	S	P	May involve city, discuss with MCN/ City
Service reporting	-	X	May involve city, discuss with MCN/ City
<b>Network Operations</b>			
<b>Network Assurance</b>			
Network Monitoring	-	X	
Capacity Management (Backhaul)	-	X	
Fault Isolation	S	P	
SLA Performance Tracking/Reporting	S	P	
Network Dispatch	-	X	
Network Repair (including the network side of the ONT)	-	X	Non Infrastrucure related
<b>Service Assurance (Customer)</b>			
Service Monitoring	-	X	
Capacity Management for downstream Internet Connections	-	X	
Network Fault Isolation	-	X	
SLA Performance Tracking/Reporting	-	X	
Service Dispatch	-	X	
Service Repair	-	X	
End-user Repair (Home/MDU/Commercial)	-	X	
Tier 1 Help Desk/ Call center	-	X	
<b>Network Activation</b>			
Network Service Orders	-	X	
TAC Center	-	X	
Tier 2 Help Desk (Network Device Management)	-	X	
<b>Infrastructure Management</b>			
Utility Joint Pole Attachments	X		Should be all Underground; however, there may be line extentions, need to discuss
Cable Locating Association Admin	P	S	City may already be involved in utility locates and should be responsible for infrastructure
Outside Plant Break / fix	P	S	
Break / fix splicing	P	S	MCN could be hired for splicing since they already have capabilities
Fixed Wireless Tower Attachments	P	S	Need to discuss
<b>Data Center</b>			
Access Control	P	S	Need to discuss
Monitoring and Managing Environmentals	P	S	
Managed Security (Antivirus, Vulnerability Scans)	P	S	
<b>*****Each item to be thoroughly discussed, agreed upon, then memorialized into a service agreement between the City and MCN*****</b>			





# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 22-381

---

**Agenda Date:** 8/8/2022

**Version:** 2

**Status:** Business

**In Control:** City Council

**File Type:** Council Letter

**Agenda Number:** 8B.

Receive Presentation from West Business Development Center on Community Economic Resilience Fund (CERF) and Approve Letter of Support

Staff has been participating in the planning process for CERF, California's new economic development program aimed at supporting development of more inclusive and resilient regional economies. Mendocino, Del Norte, Humboldt, and Lake Counties make up the Redwood Coast Region. The CERF team for the Redwood Coast Region has just applied for planning funds with a two-year term and will apply for implementation funds based on projects identified in the planning phase. The City's Economic Development Ad Hoc Committee signed a letter of support for the Redwood Coast Region. Mary Anne Petrillo, CEO, West Business Development Center will present information about CERF and the Redwood Coast Region.



## CITY OF FORT BRAGG

*Incorporated August 5, 1889*  
416 N. Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

<https://www.city.fortbragg.com/>

August 8, 2022

Dear Redwood Coast Region Planning & Development Team:

The City of Fort Bragg City Council supports the goals of the Community Economic Resilience Fund (CERF) proposal developed for the Redwood Coast Region by California Center for Rural Policy, and Arcata Economic Development Corporation. We support the California Center for Rural Policy at Cal Poly Humboldt as the organization to serve as Regional Convener for this effort. We also support Arcata Economic Development Corporation as the Fiscal Agent for the Redwood Coast Region. Together they bring the extensive breadth and depth of partnerships, knowledge of regional needs, expertise of their staff and the University's assets, willingness to be inclusive and equitable during the process, and their ability to leverage other resources to complement discussions, activities and project development to improve the economy and jobs for the region.

We understand that the governance and participation model may change as the process evolves, and we are committed to moving the process forward under the leadership of the Redwood Coast Region planning team. We also understand that the CERF planning process will occur over an 18- to 24-month period following award. We agree to participate in the expansion of collaborative partnerships throughout the region, to engage in discussions, to articulate regional themes (current and new), to ensure inclusivity and equity, to refine the project criteria for the implementation fund phase, and to support projects moving forward for funding consideration.

Our organization is a local government entity for a small, rural, non-entitlement jurisdiction located in Mendocino County. The City of Fort Bragg governs the local community and seeks to foster economic growth and prosperity in the region. The City's goal of developing a diverse, vibrant, and sustainable economy is in line with the goals of the Redwood Coast Region CERF planning team. Our organization brings to the table the collective knowledge and experience of our staff in the areas of community development and outreach, economic growth and development, financial management, and grants management.

Our primary contact for the City of Fort Bragg for this process is:

Lacy Peterson, Grants Coordinator

[lpeterson@fortbragg.com](mailto:lpeterson@fortbragg.com)

707-961-2823 x108

Thank you in advance for your time, attention and consideration.

Sincerely,

FORT BRAGG CITY COUNCILMEMBERS

---

Mayor Bernie Norvell

---

Vice Mayor Jessica Morsell-Haye

---

Councilmember Tess Albin-Smith

---

Councilmember Lindy Peters

---

Councilmember Marcia Rafanan



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 22-396

---

**Agenda Date:** 8/8/2022

**Version:** 1

**Status:** Business

**In Control:** City Council

**File Type:** Resolution

**Agenda Number:** 8C.

Receive Report and Consider Adoption of City Council Resolution Calling and Giving Notice of a General Municipal Election for the Purpose of Submitting to the Voters a 3/8-Cent General Transaction and Use Tax; Directing the City Attorney to Prepare an Analysis of the Measure; Authorizing City Council to Submit a Ballot Argument in Favor of the Measure; and Setting Dates for Submitting Arguments on the Measure



**AGENCY:** City Council  
**MEETING DATE:** August 8, 2022  
**DEPARTMENT:** Administration  
**PRESENTED BY:** D. Spaur, S 2 Consulting, LLC  
**EMAIL ADDRESS:** [S2ConsultingLLC@comcast.net](mailto:S2ConsultingLLC@comcast.net)

## AGENDA ITEM SUMMARY

**TITLE:**

**Receive Report and Consider Adoption of City Council Resolution Calling and Giving Notice of a General Municipal Election for the Purpose of Submitting to the Voters a 3/8-Cent General Transaction and Use Tax; Directing the City Attorney to Prepare an Analysis of the Measure; Authorizing City Council to Submit a Ballot Argument in Favor of the Measure; and Setting Dates for Submitting Arguments on the Measure**

**ISSUE:**

Increasing Work-Force Housing opportunities in the City of Fort Bragg is of the highest priority to City Council. The lack of housing opportunities in the City and throughout the coastal region affects the ability of employers to recruit and retain qualified workers such as nurses, teachers, tradespeople, and police and fire first responders. The lack of affordable housing units also affects the ability for residents to invest in homeownership, which is an important component to developing individual, household, and generational wealth.

In an effort to provide safe, decent, and affordable housing opportunities to residents by supporting housing production, addressing deferred maintenance issues, and improving the City’s existing housing stock, Council may consider approving a City-wide ballot measure for the November 8, 2022 general election. A general tax measure requires a simple majority (50% +1) of the voters’ approval and the proceeds can be used for any governmental purpose. Considering the current housing crisis, the City would utilize these funds to help meet the housing needs of the community.

A new 3/8-cent sales tax increase within the City limits would generate approximately \$800,000 annually. Council would appoint an independent oversight committee to ensure funds are utilized to meet pressing needs of the community, which for the near future is housing, housing, and more housing.

**ANALYSIS:**

Sales Tax is a tax paid on the sale of certain goods and services. The current local sales tax rate in Fort Bragg, CA is 8.875%. Of that total, the City receives only 1% of the total sales tax collected.

**Sales Tax Breakdown**

<u>District</u>	<u>Rate</u>
State of California	7.250%
Mendocino County	0.625%
Fort Bragg	1.000%
<b>Total</b>	<b>8.875%</b>

Currently, the State imposes a 7.25% tax on goods and services sold in California. The City of Fort Bragg rate is 1% and Mendocino County rate is 0.625%. Per state law, the maximum added sales tax cannot exceed two (2%) percent. The County of Mendocino has scheduled a 3/8 cent sales tax increase to be applied county-wide for voter approval in November 2022. If voters approve this, the 2% sales tax capacity threshold will have been met, and the City will be unable to add additional tax. However, if the City of Fort Bragg schedules its own sales tax measure for November 2022, and City voters approve it, the additional sales tax rate would be allocated to the City and not to the County. This additional 3/8 cent would bring the total sales tax within the City limits from the current 8.875% to the cap of 9.25%. A new 3/8-cent sales tax increase within the City limits would generate approximately \$800,000 annually.

Sales tax revenue generated within the City limits is generated not only from City residents, but also tourists and visitors, as well as regional residents living outside City limits that regularly shop in Fort Bragg. In fact, City residents generate about 27% of the City's annual sales tax collected, whereas sales tax dollars from tourists or visitors to Fort Bragg generate approximately 40% of sales tax revenue, and regional residents generate approximately 33% of the sales tax.

If the City's sales tax measure is approved by voters, the City Council shall appoint an independent advisory and oversight committee to ensure funds will support housing needs of the community. The oversight committee would track and review sales tax revenues and expenditures, review annual audit reports, and report annually to the City Council at a public meeting to review the committee's findings and make appropriate recommendations.

In order to place the proposed measure on the November 8, 2022 ballot as a general tax, the attached resolution and ordinance require approval by the Fort Bragg City Council:

- Resolution Calling for Municipal Election to Increase Sales Tax
- Ordinance Imposing a 3/8-Cent Transactions and Use Tax
- Notice of Election

**RECOMMENDED ACTION(S):**

1. Adopt a Resolution (which includes the proposed Ordinance as Exhibit A) of the Fort Bragg City Council calling and giving notice to hold a November 8, 2022 General Municipal Election to submit to the voters a 3/8-Cent Transactions and Use Tax Measure and request the Board of Supervisors of the County of Mendocino to consolidate the Election with the Statewide General Election.

**ALTERNATIVE ACTION(S):**

1. Reschedule approval of the Resolution pending further input or staff information to a date certain for another election.
2. No action.

**FISCAL IMPACT:**

Staff and attorney’s fees to prepare the Transaction and Use Tax Measure for the consolidated general statewide election is estimated to be less than \$10,000. The 3/8 of a cent sales tax is estimated to generate an additional \$800,000 per year.

**GREENHOUSE GAS EMISSIONS IMPACT:**

N/A

**CONSISTENCY:**

Creating a new funding source to address the lack of safe, decent and affordable housing opportunities aligns with the following Council Goals and Priorities:

Priority: Housing

Goal 1: 200 Units in the Next Five Years

Goal 2: Pursue Community Land Trust/JPA/Housing Authority

Goal 3: Streamline Permitting Process and Pursue Creative Approach

**IMPLEMENTATION/TIMEFRAMES:**

The deadline for transmitting a ballot measure to County Elections Office is August 12, 2022. The deadline for arguments for or against the ballot measure is August 18, 2022. The last day for submission of rebuttal arguments for or against the ballot measure is August 29, 2022. Election Day is November 8, 2022. The City Elections Official will certify the results of the election to the City Council no later than the next regularly scheduled Council meeting following presentation of the 28-day canvass of the returns by the County Elections Official, currently scheduled for December 12, 2022.

**ATTACHMENTS:**

1. Resolution
2. Ordinance
3. Notice of Election
4. Notice to Voters Re Sales Tax Measure Arguments

**NOTIFICATION:**

1. “Notify Me” Subscriber Lists: Affordable Housing; Finance & Budgeting

**RESOLUTION NO. \_\_\_\_-2022**

**A RESOLUTION OF THE FORT BRAGG CITY COUNCIL CALLING AND GIVING NOTICE OF THE HOLDING OF A NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION TO SUBMIT TO THE VOTERS A 3/8-CENT GENERAL TRANSACTIONS AND USE TAX MEASURE; REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO TO CONSOLIDATE THE ELECTION WITH THE STATEWIDE GENERAL ELECTION; DIRECTING THE CITY ATTORNEY TO PREPARE AN ANALYSIS OF THE MEASURE; AUTHORIZING CITY COUNCIL TO SUBMIT A BALLOT ARGUMENT IN FAVOR OF THE MEASURE; AND SETTING DATES FOR SUBMITTING ARGUMENTS ON THE MEASURE**

**WHEREAS**, a statewide general election is scheduled for November 8, 2022;  
and

**WHEREAS**, the City’s general municipal election (“the Election”) is to occur on November 8, 2022; and

**WHEREAS**, the City Council wishes to submit to the voters at the Election a measure to impose a 3/8-cent general transactions and use (sales) tax; and

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

**SECTION 1 – ORDER CALLING GENERAL MUNICIPAL ELECTION**

A. That pursuant to the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Fort Bragg, California, a General Municipal Election, on Tuesday, November 8, 2022, for the following purposes:

1. Allow voters to consider a measure to adopt an ordinance that would impose a 3/8 percent transactions and use (sales) tax for general purposes. The complete text of the proposed ordinance is attached to this Resolution as **Exhibit A** (“General Tax Measure”) and is not to be printed in the voter pamphlet. The full text of the Ordinance shall be made available to any voter on request. (CA Elections Code §§ 9223, 9280.) The vote required to approve the measure is a simple majority (50%+1) of the votes cast.

B. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Mendocino is hereby requested to consent and agree to the consolidation of the Election with the Statewide General Election on Tuesday, November 8, 2022.

C. That the City Council hereby orders the measure to be placed on the ballot in the following form:



**Measure “ \_\_\_\_\_ ” Imposition of a 3/8-Cent General Transactions and Use (Sales) Tax**

Shall the measure generating locally controlled revenue for Fort Bragg for general government use, such as providing for Workforce Housing for the residents of Fort Bragg and the Mendocino Coast for our Firefighters, Police, Plumbers, Hospitality, Carpenters and General Trades, and Retail and Service Workers by levying a 3/8¢ sales tax, raising about \$800,000 a year that Sacramento cannot take away, until voters decide otherwise, requiring yearly audits, independent oversight, public review/disclosure of spending, be adopted?	<b>YES</b>	
	<b>NO</b>	

D. The City Council hereby directs the City Attorney to prepare an Impartial Analysis of the General Tax Measure in accordance with Section 9280 of the Elections Code showing the effect of the measure on existing law and the operation of the measure.

E. That the full text of the General Tax Measure shall not be printed in the Voter Information Pamphlet, but a statement shall appear under the Impartial Analysis informing voters that the information may be obtained from the City Clerk’s office and the City’s website.

F. The election shall be held and conducted and the votes thereof canvassed and returns thereof made and the results thereof ascertained and determined as provided by law for the holding of municipal elections in the City and the consolidation of municipal elections with other elections.

G. The proposed Ordinance is not subject to CEQA because it is not a “project” pursuant to Public Resource Code Section 21065 and Section 15378(b)(4) of the CEQA Guidelines; further if the proposed Ordinance were to be found a “project,” it is statutorily exempt from CEQA pursuant to section 15273(a)(1) of the CEQA Guidelines, as the purpose of the tax is to meet operating expenses.

**SECTION 2 – REQUEST FOR ELECTION SERVICES**

A. Pursuant to the requirements of Elections Code Section 10403, the Mendocino County Board of Supervisors is hereby requested to consent and agree to the consolidation of the Election with the Statewide General Election on November 8, 2022. The consolidated elections will be held and conducted in the manner prescribed in Elections Code Section 10418.

B. That the County Elections Department is authorized to canvass the returns of the Election. The two elections shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

C. That the Board of Supervisors is requested to issue instructions to the County Election department to take any and all steps necessary for the holding of the consolidated election.

D. That the City of Fort Bragg recognizes that the County will incur additional costs by reason of this consolidation and agrees to reimburse the County for those costs.

E. That the City Clerk is authorized, instructed, and directed to coordinate with the Mendocino County Clerk to procure and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary to properly and lawfully conduct the election.

F. Notice of the time and place of holding the election is hereby given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

G. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

### SECTION 3 – DESIGNATION OF DUTIES

A. The County Clerk, in conducting the City's election is requested to provide the following services:

1. Establish precinct boundaries to coincide with the Statewide General Election;
2. Designate polling places and appoint election officers;
3. Notify election officers of their appointment and instruct inspectors concerning their duties;
4. Hire and pay election officers;
5. Arrange for the availability of polling places and all supplies necessary for casting ballots, and setting up voting booths;
6. Publish lists of precincts, election officers, polling places, and the hours that polls will be open;

7. Provide sample ballots to each voter;

8. Receive absentee voter applications; supply absentee voter ballots to applicants; accept absentee voter ballot returns; retain custody of absentee voter ballots; count absentee voter ballots;

9. Provide Certificate of County Clerk as to Result of the Canvass, for approval by the Fort Bragg City Council.

B. The City Clerk shall provide the following services in conducting the City's election:

1. Publish the Notice of Election;

2. Receive ballot arguments, impartial analysis, and rebuttal arguments.

#### SECTION 4 – BALLOT ARGUMENTS

A. Pursuant to Section 9282 of the Elections Code of the State of California, the legislative body of the City of Fort Bragg, or any member or members of the legislative body authorized by the body, or any individual voter who is eligible to vote on the measure or bona fide association of citizens, or any combination of voters and associations, may file a written argument, not to exceed 300 words in length, accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, for or against the City measure.

B. The last day for submission of direct arguments for or against the ballot measures of 300 words or less shall be by 5:00 p.m. on August 18, 2022.

C. Pursuant to Section 9285 of the California Elections Code, when the City Clerk has selected the arguments for and against each measure, which arguments will be printed and distributed to the voters, the City Clerk shall send copies of the arguments in favor of each measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

D. The provisions of Section 9285(a) of the Elections Code relating to arguments are hereby adopted and made applicable. This Section 4 shall apply only to the Election and shall thereafter be of no further force and effect.

E. The last day for submission of rebuttal arguments for or against the ballot measures of 250 words or less shall be by 5:00 p.m. on August 29, 2022.

F. If there is any inconsistency between this Resolution and the schedule of the County Clerk for filing the impartial analysis and the arguments, the schedule of the County Clerk for the County of Mendocino shall control.

**SECTION 5 – DIRECTION TO CITY CLERK**

The City Clerk is directed to forward without delay a certified copy of this resolution to the Board of Supervisors and to the County Elections Department. The City Clerk is hereby authorized and directed to take all steps necessary to place the Ordinance on the ballot and to cause the Ordinance to be printed. A copy of the Ordinance shall be made available to any voter upon request.

**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 8<sup>th</sup> day of August 2022, by the following vote:**

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**
- RECUSE:**

---

**BERNIE NORVELL**  
**Mayor**

**ATTEST:**

---

**June Lemos, MMC**  
**City Clerk**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE IMPOSING A 3/8-CENT TRANSACTIONS AND USE TAX FOR  
GENERAL GOVERNMENTAL PURPOSES TO BE ADMINISTERED BY THE  
CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION SUBJECT TO  
THE APPROVAL OF THE VOTERS**

THE PEOPLE OF FORT BRAGG, CALIFORNIA, DO ORDAIN AS FOLLOWS:

**SECTION 1.** Chapter 3.09 of the Fort Bragg Municipal Code is hereby adopted to read as follows:

**Chapter 3.09 – General Transactions and Use Tax Ordinance**

**Sections:**

- 3.09.010 Title
- 3.09.020 Operative Date
- 3.09.030 Purpose
- 3.09.040 Contract with State
- 3.09.050 Transactions Tax Rate
- 3.09.060 Place of Sale
- 3.09.070 Use Tax Rate
- 3.09.080 Adoption of Provisions of State Law
- 3.09.090 Limitations on Adoption of State Law and Collection of Use Taxes
- 3.09.100 Permit Not Required
- 3.09.110 Exemptions and Exclusions
- 3.09.120 Amendments
- 3.09.130 Relationship to Existing Tax
- 3.09.140 Independent Oversight
- 3.09.190 Audit and Review

**3.09.010. TITLE.**

This ordinance shall be known as the City of Fort Bragg General Transactions and Use Tax Ordinance. The city of Fort Bragg hereinafter shall be called “City.” This ordinance shall be applicable in the incorporated territory of the City.

**3.09.020. OPERATIVE DATE.**

“Operative date” means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance.

**3.09.030. PURPOSE.**

This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

**3.09.040. CONTRACT WITH STATE.**

Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

**3.09.050. TRANSACTIONS TAX RATE.**

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of 0.375% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

**3.09.060. PLACE OF SALE.**

For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

**3.09.070. USE TAX RATE.**

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of 0.375% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

**3.09.080. ADOPTION OF PROVISIONS OF STATE LAW.**

Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

**3.09.090. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES.**

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

1. "A retailer engaged in business in the District" shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this state or for delivery in the State by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars (\$500,000). For purposes of this section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder.

### **3.09.100. PERMIT NOT REQUIRED.**

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

### **3.09.110. EXEMPTIONS AND EXCLUSIONS.**

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his



or her agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any

period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

### **3.09.120. AMENDMENTS.**

All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

### **3.09.130. RELATIONSHIP TO EXISTING TAX.**

The tax imposed by this ordinance is separate from, and in addition to, any transactions and use tax currently imposed by the City. Nothing in this ordinance shall be interpreted to affect the rate or administration of any tax other than the tax imposed by this ordinance.

### **3.09.140. INDEPENDENT OVERSIGHT.**

the City Council shall appoint an independent advisory and oversight committee that shall meet annually to review the expenditure of revenues generated by the tax imposed by this chapter and to make recommendations to the city council regarding those expenditures. This advisory committee shall meet publicly on at least a quarterly basis to review all revenues and expenditures of the transactions and use tax imposed by this chapter, review annual audit reports related to the tax, and make at least one written annual report to the city council at a public meeting summarizing their findings and including any appropriate recommendations. The minutes of the meetings of the advisory committee shall be provided to the city council and placed on the next available regular city council meeting agenda for informational purposes.

**3.09.150. AUDIT AND REVIEW.**

The proceeds of the tax imposed by this chapter, as well as the expenditure thereof, shall be audited annually by an independent accounting firm. The city council shall discuss the results of such audit at a meeting of the city council that is open to the public. The report of such audit shall be posted on the City's website.

**SECTION 2. ENJOINING COLLECTION FORBIDDEN.**

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

**SECTION 3. SEVERABILITY.**

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**SECTION 4. EFFECTIVE DATE.**

This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately.

**SECTION 5. CERTIFICATION; PUBLICATION.**

Upon approval by the voters, the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause it to be published according to law and transmitted to the California Department of Tax and Fee Administration.



# CITY OF FORT BRAGG

*Incorporated August 5, 1889*

416 N. Franklin Street, Fort Bragg, CA 95437

Phone: (707) 961-2823 Fax: (707) 961-2802

[www.FortBragg.com](http://www.FortBragg.com)

## NOTICE OF ELECTION

**NOTICE IS HEREBY GIVEN** that a General Municipal Election will be held in the City of Fort Bragg on Tuesday, November 8, 2022 for the following Measure:

**MEASURE \_\_\_\_: IMPOSING A 3/8-CENT GENERAL TRANSACTIONS AND USE (SALES) TAX**

Shall the measure generating locally controlled revenue for Fort Bragg for general government use, such as providing for Workforce Housing for the residents of Fort Bragg and the Mendocino Coast for our Firefighters, Police, Plumbers, Hospitality, Carpenters and General Trades, and Retail and Service Workers by levying a 3/8¢ sales tax, raising about \$800,000 a year that Sacramento cannot take away, until voters decide otherwise, requiring yearly audits, independent oversight, public review/disclosure of spending, be adopted?	<b>YES</b>	
	<b>NO</b>	

The polls will be open between the hours of 7:00 a.m. and 8:00 p.m.

\_\_\_\_\_  
June Lemos, MMC  
City Clerk

Dated: August 9, 2022.  
Publish: August 18, 2022.



# CITY OF FORT BRAGG

*Incorporated August 5, 1889*

416 N. Franklin Street, Fort Bragg, CA 95437  
Phone: (707) 961-2827 Fax: (707) 961-2802  
www.FortBragg.com

## NOTICE TO VOTERS OF DATE AFTER WHICH NO ARGUMENTS FOR OR AGAINST A CITY MEASURE MAY BE SUBMITTED TO THE CITY CLERK

**NOTICE IS HEREBY GIVEN** that the General Municipal Election is to be held in the City of Fort Bragg on Tuesday, November 8, 2022, at which there will be submitted to the voters the following measure:

### MEASURE \_\_\_\_: IMPOSING A 3/8-CENT GENERAL TRANSACTIONS AND USE (SALES) TAX

Shall the measure generating locally controlled revenue for Fort Bragg for general government use, such as providing for Workforce Housing for the residents of Fort Bragg and the Mendocino Coast for our Firefighters, Police, Plumbers, Hospitality, Carpenters and General Trades, and Retail and Service Workers by levying a 3/8¢ sales tax, raising about \$800,000 a year that Sacramento cannot take away, until voters decide otherwise, requiring yearly audits, independent oversight, public review/disclosure of spending, be adopted?	YES	
	NO	

**NOTICE IS FURTHER GIVEN** that pursuant to Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, the legislative body of the City, or any member or members thereof authorized by the body, or any individual voter or bona fide association of citizens, or any combination of voters and associations, may file a written argument, not to exceed 300 words in length, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument, for or against the City measure.

**NOTICE IS FURTHER GIVEN** that, based upon the time reasonably necessary to prepare and print the arguments and sample ballots for the election, the City Clerk has fixed **Thursday, August 18, 2022**, during normal office hours, as posted, as the date after which no arguments for or against the City measure may be submitted to the clerk for printing and distribution to the voters as provided in Article 4. Arguments shall be submitted to the City Clerk, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument, at the City Hall, 416 N. Franklin Street, Fort Bragg, California. Arguments may be changed or withdrawn until and including the date fixed by the City Clerk.

**NOTICE IS FURTHER GIVEN** that the City Council has determined that rebuttal arguments, not to exceed 250 words in length, as submitted by the authors of the opposing direct arguments, may be filed with the City Clerk, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument, not more than 10 days after the final date for filing direct arguments.

**NOTICE IS FURTHER GIVEN** that any ordinance, impartial analysis, or direct argument filed under the authority of the elections code will be available for public examination in the City Clerk's office for not less than 10 calendar days from the deadline for the filing of the arguments and analysis. Any rebuttal argument filed under the authority of the elections code will be available for public examination in the City Clerk's office for not less than 10 calendar days from the deadline for filing rebuttal arguments.

---

June Lemos, MMC  
City Clerk

Dated: August 9, 2022

**Posted in City Notice Case: August 9, 2022**



# City of Fort Bragg

416 N Franklin Street  
Fort Bragg, CA 95437  
Phone: (707) 961-2823  
Fax: (707) 961-2802

## Text File

File Number: 22-399

---

**Agenda Date:** 8/8/2022

**Version:** 1

**Status:** Closed Session

**In Control:** City Council

**File Type:** Report

**Agenda Number:** 9A.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov. Code 54956.8); Property: 30900 W. State Highway 20; 19671 Summers Lane, Fort Bragg, CA 95437; Agency negotiator: John Smith; Negotiating parties: Mendocino Coast Recreation and Parks District; Under negotiation: Price and terms