We May Disagree, But We Will Be Respectful of One Another
All Comments Will Be Directed to the Issue at Hand, and Addressed to the City Council
Personal Attacks are Unacceptable

The City Council May Take Action on any Item on this Agenda.

I. CALL TO ORDER / FLAG SALUTE / ROLL CALL  6:00 PM

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<td>Council Member Tiara Brown</td>
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<td>City Engineer/Public Works Director Merritt Perry</td>
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II. PRESENTATION
   - Recognizing Mrs. Carol Clendenen for her 100th Birthday

III. ORAL COMMENTS FROM THE PUBLIC
Members of the Public may be heard on any item of interest not on the Public Meeting Agenda. Speakers addressing the Council will be limited to 3 minutes per speaker. Comments concerning the Consent Calendar may be heard at this time. Be advised that, by law, the City Council can only deliberate or take action on items that are included on the agenda.

IV. CONSENT CALENDAR
These matters are routine in nature and are usually approved by a single vote. Any member of the Council may pull a particular item for further discussion.

1. City Council Minutes – December 10, 2015 (special meeting), December 21, 2015 (regular meeting)
2. Report of Disbursements

V. BUSINESS
A. Public Hearing: Amend the Fortuna Zoning Ordinance (Title 17 of the Fortuna Municipal Code) Adding Section 17.06.120.5, “Medical Marijuana and Cultivation” to the Fortuna Municipal Code Prohibiting All Commercial Medical Marijuana Uses and Activities, including Delivery and Cultivation, in all Zones in the City; Ordinance 2016-719

B. Approve a Memorandum of Understanding (MOU) between the County of Humboldt and the City of Fortuna to provide Housing Program Services. Resolution 2016-01

C. Council Review and Discussion of Commission Applications and Mayor’s Appointment of Commission Seats

VI. CITY MANAGER REPORT, PENDING LEGISLATION AND CALENDAR OF EVENTS

VII. FUTURE AGENDA ITEMS
At this time, members of the Council may consider or request items to be placed on a future agenda through a consensus of the majority.

VIII. CITY COUNCIL REPORTS AND COMMENTS
- Council Member Tiara Brown  Parks & Recreation Commission, Redwood Coast Energy
Authority
• Council Member Linda Gardner  Historical Commission
• Council Member Doug Strehl  Humboldt County Association of Governments
• Mayor Pro Tem Tami Trent  Humboldt Transit Authority, Fortuna Business Improvement District, League of California Cities Employer Relations Policy Committee, Indian Gaming Committee
• Mayor Sue Long  Redwood Region Economic Development Commission, Fortuna Oversight Board, Local Agency Formation Commission, League of California Cities Legislative Committee

IX. ADJOURN
Pursuant to Government Code Section 54957.5, any non-confidential documents or writings that the City distributes, less than 72 hours before a regular meeting, to all or a majority of the legislative body's members must be made available to members of the public at the same time as the distribution. Documents and information related to the agenda topics are available for review at City Hall, 621 11th Street, between the hours of 8:00 AM to 5:00 PM. Members of the public are invited to come to the meeting and comment. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 725-7600. Notification prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Linda McGill, CMC
City Clerk
WHEREAS it is the intention of the Mayor and Council of the City of Fortuna to focus attention on noteworthy occasions and individuals; and

WHEREAS, Mrs. Carol Clendenen will be honored by friends and relatives on the occasion of her 100th birthday on January 1, 2016; and

WHEREAS Carol was born in Sarahsville, Ohio, on January 1, 1916, and graduated from Muskingum College, and Western University with a Masters in Nursing; and

WHEREAS after graduating, Carol drove from Ohio to California in a red 1948 Chevrolet; and

WHEREAS as an adult, Carol worked for the County of Humboldt as a Public Health Nurse, and traveled to schools around the county; and

WHEREAS Carol married Andy Clendenen, and remained his loving, and devoted wife, working alongside him at Clendenen’s Cider Works and raising two sons, John who was born in 1951 and Clif who was born in 1953; and

WHEREAS, in addition to her duties as wife and mother, Carol has been active and involved with the Fortuna Methodist Church, PEO, and a great group of friends; and

WHEREAS, during her long and productive lifetime, Carol has earned the respect and admiration of her family, friends and people from all walks of life as she has demonstrated in countless ways her dedication to the welfare of others.

NOW, THEREFORE, I, Sue Long, by virtue of the authority vested in me as Mayor of the City of Fortuna, do hereby declare Friday, January 1, 2016, to be Carol Clendenen Day, in the City of Fortuna, and ask all citizens to join me and the members of the council in sending Carol our sincerest wishes for a very Happy Birthday, and in wishing her continued health, happiness, and an abundance of love and joy as she celebrates this milestone in her life.

Signed this 4th day of January, 2016 at the City of Fortuna, in the State of California, and in witness thereof, the seal of Fortuna.

Tiara Brown, Council Member

Tami Trent, Mayor Pro Tem

Linda Gardner, Council Member

Sue Long, Mayor

Douglas Strehl, Council Member
Minutes of the Fortuna City Council  
Special Workshop Meeting  
Thursday, December 10, 2015 – 8:30AM.  
Wastewater Treatment Plant, 180 Dinsmore Drive, Fortuna, CA

I. CALL TO ORDER:  
Mayor Long called the Public Session to order at 8:30 a.m.

FLAG SALUTE:  
Mayor Long led the salute to the flag

ROLL CALL:

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<td>Mayor Long</td>
<td>Police Chief Bill Dobberstein</td>
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<td>Lieutenant Matt Eberhardt</td>
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<td>General Services Superintendent Mike Johnson</td>
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<td>Chief Plant Operator Doug Culbert</td>
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II. ORAL COMMENTS FROM THE PUBLIC  
There being no public comment the Mayor closed this item.

III. DISCUSSION ITEMS

A. DISCUSSION RELATED TO A PROPOSED MARIJUANA CULTIVATION ORDINANCE  
Council received an oral report from City Manager Candelario

PUBLIC COMMENT:  
Mike Gordon spoke to Council about the economy related to Marijuana cultivation and the small growers who he says have been the mainstay of the Humboldt County economy and should remain that way. There being no further comment the Mayor closed this public comment section.

CITY COUNCIL ACTION:  
Council directed staff to proceed with the process of creating an ordinance to meet the State’s deadline to retain local control.

B. CITY PROJECT BUS TOUR: The Council drove by various public works project locations in the City and received informational updates from staff. Bus Tour took place between 9:30am and 10:45am. The project sites included: (Sites where a stop was made are noted as such)

1. Tour of WWTP (before bus tour)  
2. Stewart Street Reservoir (will stop here)  
3. Vancil Reservoir  
4. Jameson Creek Culvert on Rohnerville Rd  
5. A portion of the Rohner Creek Widening Project  
6. Vacant Land adjacent to River Lodge on the North Side  
7. Rohner Park Pavilion and Rodeo Grounds (will stop here)  
8. Return to WWTP (End of Tour)
The public was invited to take part in this tour. Several members of the public and media were in attendance.

PUBLIC COMMENT:
Various public comment and questions were heard throughout the tour.

CITY COUNCIL ACTION:
Informational item. No action was taken.

IV. ADJOURN
Council Member Gardner moved, seconded by Council Member Brown to adjourn the meeting at 10:55am. Voice Vote. Motion Carried 5-0.

Respectfully submitted by
Linda McGill CMC
City Clerk
I. CALL TO ORDER:
Mayor Long called the Public Session to order at 6:00 PM

FLAG SALUTE:
Mayor Long led the salute to the flag.

II. ROLL CALL

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III. PRESENTATION
- Recognizing the retirement of Records Clerk Dian Tucker from the Fortuna Police Department -
  Presented by Police Chief Bill Dobberstein

IV. NEW EMPLOYEE
- Sean Bradley, Street Maintenance Worker II –Introduced by General Services Superintendent
  Mike Johnson, due to them being called to work by inclement weather this item will be presented
  at a future meeting.

V. ORAL COMMENTS FROM THE PUBLIC
A member of the public spoke about the history of unions and the benefit of them. He also spoke about
a problem with multi-family units in his area. He mentioned a hospital tax that could be instituted.
Then he mentioned the old Fortuna Motors building on 12th Street and said it would be nice to see
something done with the building, like a business that would bring in tax revenue. Dean Glaser
mentioned that River Lodge has 15% off all products for Christmas. He spoke about the ice rink that
will be open until January 17, 2016. He said that Renner petroleum is the only station with a back-up
generator. There being no further comment Mayor Long closed this public comment section.

VI. CONSENT CALENDAR

   (MO-2015-194)

CITY COUNCIL ACTION: Approve Consent Calendar Items 1-8,
Council Member Brown moved, seconded by Council Member Gardner. Voice Vote.

AYES: Council Member Brown, Gardner, Strehl, Mayor Pro Tem Trent, Mayor Long
NOES: None
ABSENT: None
ABSTAIN: None
Motion Carried 5-0

PULLED CONSENT CALENDAR ITEMS

Item # 9 Mayor Pro Tem Trent asked the CM to explain the expense for a public art display and also a new car expense that is a replacement for a previous vehicle that had been totaled belonging to the WWTP.

CITY COUNCIL ACTION: Consent Calendar Item 9
Mayor Pro Tem Trent moved, seconded by Council Member Brown. Voice Vote.

AYES: Council Member Brown, Gardner, Strehl, Mayor Pro Tem Trent, Mayor Long
NOES: None
ABSENT: None
ABSTAIN: None
Motion Carried 5-0

VII. BUSINESS

A. PUBLIC HEARING: APPROVE IMPOSITION OF LAST BEST AND FINAL OFFER WITH THE FORTUNA POLICE EMPLOYEES ASSOCIATION (FPEA); RESOLUTION 2015-43

STAFF RECOMMENDATION:
That the City Council Adopt Resolution 2015-43 Imposing Last, Best Final Offer with Fortuna Police Employees Association (FPEA)

STAFF REPORT:
The City Council received a written and oral report from City Manager Candelario

PUBLIC COMMENT:
There being no comment Mayor Long closed this public comment section.

CITY COUNCIL ACTION:
Council Member Gardner moved, seconded by Council Member Strehl to approve Resolution 2015-43; A Resolution Of The City Council Of The City Of Fortuna Imposing The City’s Last, Best And Final Offer To The Fortuna Police Employees Association Pursuant To Government Code Section 3505.4; and read by title only. Roll call vote.

AYES: Council Member Brown, Gardner, Strehl, Mayor Long
NOES: Mayor Pro Tem Trent
ABSENT: None
ABSTAIN: None
Motion Carried 4-1(Trent) by Resolution 2015-43

B. APPROVAL OF AN AMENDED PART TIME WAGE PLAN FOR FISCAL YEAR 2015/2016; RESOLUTION 2015-42

STAFF RECOMMENDATION:

STAFF REPORT:
The City Council received a written and oral report from City Manager Candelario
PUBLIC COMMENT:
There being no comment Mayor Long closed this public comment section.

CITY COUNCIL ACTION:
Council Member Strehl moved, seconded by Council Member Brown to approve Resolution 2015-42; A Resolution Of The City Council of the City Of Fortuna Amending the Part Time Employee Wage Plan For Fiscal Year 2015/2016; and read by title only. Roll call vote.

AYES: Council Member Brown, Gardner, Strehl, Mayor Pro Tem Trent, Mayor Long
NOES: None
ABSENT: None
ABSTAIN: None
Motion Carried 5-0 by Resolution 2015-42

VIII. CITY MANAGER REPORT, PENDING LEGISLATION AND CALENDAR OF EVENTS
Council agreed to hold a workshop on January 13, 2016 at 6:30pm

IX. FUTURE AGENDA ITEMS
Mayor Pro Tem Trent asked to have the Cal Card Policy and the Travel Policy brought to a future agenda. There was a consensus. A Panhandling ordinance was asked for by the Mayor.

X. CITY COUNCIL REPORTS AND COMMENTS
- Council Member Tiara Brown Parks & Recreation Commission, Redwood Coast Energy Authority
- Council Member Linda Gardner Historical Commission
- Council Member Doug Strehl Humboldt County Association of Governments
- Mayor Pro Tem Tami Trent Humboldt Transit Authority, Fortuna Business Improvement District, League of California Cities Employer Relations Policy Committee, Indian Gaming Committee
- Mayor Sue Long Redwood Region Economic Development Commission, Fortuna Oversight Board, Local Agency Formation Commission, League of California Cities Legislative Committee

XI. ORAL COMMENTS FROM THE PUBLIC
Dean Glaser spoke about the Coleman lawsuit and his recollections from his time on the Council and offered his services for a deposition if needed. There being no further comment Mayor Long closed this public comment section.

XII. ADJOURN TO CLOSED SESSION
Council Member Brown moved, seconded by Council Member Gardner to adjourn to closed session at 6:45PM. Voice Vote. Motion Carried 5-0

1. CONFERENCE WITH LABOR NEGOTIATORS, City Negotiator: City Manager Regan Candelario, Employee Organizations: Fortuna Police Employees Association, Fortuna Employees Association and the Unrepresented/Management group in accordance with Section 54957.6 of the Government Code.

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: One (1), SHN vs. City of Fortuna.
3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Pursuant to paragraph (1) of Subdivision (d) of Section 54956.9: One (1), Coleman vs. City of Fortuna

4. EMPLOYEE DISCIPLINE in accordance with Section 54957 of the Government Code

XIII. REPORT OUT AND ADJOURN

1. No reportable action
2. No reportable action
3. No reportable action
4. No reportable action

Council Member Gardner moved, seconded by Council Member Brown to adjourn at 7:33PM. Voice Vote. Motion Carried 5-0

Respectfully submitted by
Linda McGill, CMC
City Clerk
DATE: January 4, 2016

TO: Honorable Mayor and City Council Members

FROM: Regan M. Candelario, City Manager

SUBJECT: Report of Disbursements

STAFF RECOMMENDATION:

Receive staff report of disbursements that were processed for the City of Fortuna and the Successor Agency (Fortuna Redevelopment Agency) if applicable, as an informational item only.

REPORT OF DISBURSEMENTS:

Disbursements were processed on December 23, 2015 in the following amount(s):

- City of Fortuna $ 155,149.12

RECOMMENDED COUNCIL ACTION:

Informational Item. Receive report by Consent Agenda Vote

Attachments:

- Disbursements Detail Reports for December 23, 2015
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Page 11 of 11
DATE: January 4, 2016

TO: Honorable Mayor and Council Members

FROM: Liz Shorey, Deputy Community Development Director

THRU: Regan M. Candelario, City Manager

SUBJECT: Public Hearing: Amend the Fortuna Zoning Ordinance (Title 17 of the Fortuna Municipal Code) Adding Section 17.06.120.5, “Medical Marijuana and Cultivation” to the Fortuna Municipal Code Prohibiting All Commercial Medical Marijuana Uses and Activities, Including Delivery and Cultivation, in all Zones in the City; First Reading of Ordinance 2016-719

STAFF RECOMMENDATION:

Hold the first reading of Ordinance 2016-719, adding to the Fortuna Municipal Code Section 17.06.120.5, prohibiting medical marijuana uses within the City.

EXECUTIVE SUMMARY:

The State Legislature recently adopted several bills (AB 243, AB 266, and AB 643) that will establish State procedures for regulating medical marijuana cultivation. AB 243 included a provision that a local jurisdiction must have an ordinance in effect prior to March 1, 2016 in order for the State to recognize the local regulations. The proposed amendment to the Zoning Ordinance to add Section 17.06.120.5, “Medical Marijuana and Cultivation” will satisfy the requirement.

The proposed zoning ordinance amendment would do the following:

a) Prohibit all commercial medical marijuana/cannabis uses and activities, including delivery, in all zones in the City of Fortuna; and,

b) Prohibit the cultivation of any amount of marijuana/cannabis for medical use by a qualified patient or primary caregiver in all zones in the City of Fortuna.

BACKGROUND

In 1996, California voters adopted the Compassionate Use Act (“CUA”) as a ballot initiative, codified at Health and Safety Code Section 11362.5. The CUA provides a limited defense from prosecution for cultivation and possession of marijuana. In 2003, the Legislature adopted the Medical Marijuana Program Act (“MMP”), codified at Health and Safety Code sections 11362.5 to 11362.83. The MMP provides qualified persons, primary caregivers, and holders of valid identification cards a defense to certain enumerated marijuana-related state crimes.

The California courts have found that neither the CUA nor the MMP provide medical marijuana patients with an unfettered right to obtain, cultivate, or dispense marijuana for medical purposes.
Rather, the statutes set up limited defenses to state criminal prosecution. The manufacture, distribution, or possession of marijuana remains unlawful and a federal crime under the Federal Controlled Substance Act.

In 2013, the California Supreme Court confirmed a city’s ability to prohibit medical marijuana dispensaries within its boundaries. The court found that the CUA and MMP do not preempt a city’s local regulatory authority.

On November 26, 2013, the Court of Appeal decided and published its decision in the case of Maral v. City of Live Oak, 221 Cal.App.4th 975 (2013). Maral held that cities have authority to prohibit cultivation of all medical marijuana city-wide. Like the Supreme Court’s decision in City of Riverside, the Maral court similarly found that the CUA and MMP do not preempt a city’s regulatory authority to prohibit all cultivation in the city, if the city so chooses.

On December 1, 2015, the 5th Appellate District published a decision in Kirby v. County of Fresno in which the Court upheld the County’s ban on marijuana dispensaries, cultivation, and storage of medical marijuana because the CUA did not expressly restrict local government’s authority to regulate land use.

This year, the Legislature introduced three bills comprising the Medical Marijuana Regulation and Safety Act (MMRSA). These bills are designed to impose additional regulatory mechanisms related to medical marijuana. For example, there will be a dual licensing structure which requires a state and local license or permit in order to cultivate, dispense, or transport medical marijuana. Cities that wish to ban these land use activities are allowed to do so; however, there are critical time constraints.

Assembly Bill 266 established a dual licensing structure requiring state and local licenses or permits to establish marijuana businesses. However, if there is no local licensing requirement, the State Department of Food and Agriculture becomes the sole licensing authority. Assembly Bill 643 established criteria for the licensing of medical marijuana businesses, regulating physicians, and recognizing local authority to levy taxes and fees.

Assembly Bill 243 includes a provision stating that cities that do not have an ordinance regulating or prohibiting cultivation by March 1, 2016, will lose the authority to regulate or ban cultivation within their city limits.

The City of Fortuna currently has a provision in the Municipal Code, FMC Chapter 8.35, prohibiting “any person or entity to own, manage, conduct, or operate any medical marijuana dispensary or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity”.

Based on this Code provision, the City has not allowed any medical marijuana businesses to be established in Fortuna. However, per the terms of AB 243 above, by March 1, 2016, the City of Fortuna must specifically prohibit medical marijuana cultivation and delivery in order to retain the right to ban it within the City of Fortuna.

FINDINGS/CONSIDERATIONS:

General Plan Policies Related to Medical Marijuana

The proposed zoning ordinance amendments would make changes in response to recent changes in State Law (AB 243, AB 266, and AB 643) described in the “Background” section above. General Plan Policy calls for amending applicable ordinances and regulations to ensure consistency with the General
Plan. There are no General Plan policies regarding medical marijuana activities. This zoning amendment will not result in inconsistency with the General Plan.

**Proposed Changes to the Zoning Ordinance**

The proposed zoning ordinance amendment (Attachment A) would do the following:

1) Commercial cannabis activities of all types (including cultivation) are expressly prohibited in all zones of the City. No person shall establish, operate, conduct, or allow a commercial cannabis activity anywhere in the City.

2) All deliveries of medical cannabis are expressly prohibited in the City of Fortuna. No person shall conduct any deliveries that either originate or terminate within the City.

3) All activities which require a state license under the Medical Marijuana Regulation and Safety Act (MMRSA) are prohibited in the City.

4) Cultivation of cannabis for non-commercial purposes, including cultivation by a qualified patient or a primary caregiver, is expressly prohibited in all zones of the City. No person, including a qualified patient or primary caregiver, shall cultivate any amount of cannabis in the City, even for medical purposes.

5) Any use in violation of these provisions shall be considered a “public nuisance” and could involve civil penalties.

The Planning Commission considered the zoning amendment at a public hearing on December 22, 2015, at which time they passed a recommendation (4/2) that the Council adopt the amendment. With a January 4, 2016 public hearing before the City Council and a second reading on January 19, 2016, the ordinance, if approved, would become effective 30 days after that or on February 20, 2016. This would meet the March 1, 2016, deadline in AB 243.

**Impacts on Existing Businesses**

The City of Fortuna currently has a provision in the Municipal Code, FMC Chapter 8.35, prohibiting “any person or entity to own, manage, conduct, or operate any medical marijuana dispensary or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity”. Based on this Code provision, the City has not allowed any medical marijuana businesses to be established in Fortuna because federal law does not allow it. Therefore, this new ordinance would not have any effect on any existing businesses in the City.

**Environmental Clearance**

The proposed ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), as it is not a project under CEQA. Pursuant to CEQA Guidelines section 15601(b)(3), CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility an action may have a significant effect on the environment, the action is not subject to CEQA. The proposed ordinance prohibits marijuana activities; therefore, no new land disturbance or development projects will result from the ordinance amendment and the ordinance will not result in any physical changes to the environment.
FINANCIAL IMPACT
There is no impact to the City.

RECOMMENDED COUNCIL ACTION:
1. Receive staff presentation and review Council questions with staff.
2. Open Public Hearing.
3. Close Public Hearing
4. Motion to hold first reading of Ordinance 2016-719 and read by title only; Roll call vote.

Attachments:
- *Ordinance 2016-719; An Ordinance Of The City Council Of The City Of Fortuna, California, Adding Section 17.06.120.5, "Medical Marijuana And Cultivation" To The Fortuna Municipal Code Prohibiting All Commercial Medical Marijuana Uses In The City And Prohibiting Cultivation For Medical Use By A Qualified Patient Or Primary Caregiver*

ORDINANCE 2016-719

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORTUNA, CALIFORNIA, ADDING SECTION 17.06.120.5, "MEDICAL MARIJUANA AND CULTIVATION" TO THE FORTUNA MUNICIPAL CODE PROHIBITING ALL COMMERCIAL MEDICAL MARIJUANA USES IN THE CITY AND PROHIBITING CULTIVATION FOR MEDICAL USE BY A QUALIFIED PATIENT OR PRIMARY CAREGIVER

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code Section 11362.5 and entitled "The Compassionate Use Act of 1996" or "CUA").

WHEREAS, the intent of Proposition 215 was to enable persons who are in need of marijuana for medical purposes to use it without fear of criminal prosecution under limited, specified circumstances. The proposition further provides that "nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes." The ballot arguments supporting Proposition 215 expressly acknowledged that "Proposition 215 does not allow unlimited quantities of marijuana to be grown anywhere."

WHEREAS, in 2004, the Legislature enacted Senate Bill 420 (codified as California Health and Safety Code§ 11362.7 et seq. and referred to as the "Medical Marijuana Program" or "MMP") to clarify the scope of Proposition 215 and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with a limited defense to certain specified State criminal statutes. Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the Medical Marijuana Program to expressly recognize the authority of counties and cities to "[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective" and to civilly and criminally enforce such ordinances.

WHEREAS, in City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.: (2013) 56 Cal.4th 729, the California Supreme Court held that "[n]othing in the CUA or the MMP expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land . . . ." Additionally, in Mara/ v. City of Live Oak (2013) 221 Cal.App.4th 975, the Court of Appeal held that "there is no right – and certainly no constitutional right– to cultivate medical marijuana . . . ." The Court in Mara/ affirmed the ability of a local governmental entity to prohibit the cultivation of marijuana under its land use authority.

WHEREAS, the Federal Controlled Substances Act, 21 U.S.C. Section 801 et seq., classifies marijuana as a Schedule 1 Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful under federal law for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana.

WHEREAS, on October 9, 2015, Governor Brown signed three bills into law (AB 266, AB 243, and SB 643) which collectively are known as the Medical Marijuana Regulation and Safety Act (hereafter "MMRSA"). MMRSA set up a state licensing scheme for commercial medical
marijuana uses while protecting local control by requiring that all such businesses must have a local license or permit to operate in addition to a state license. MMRSA allows the City to completely prohibit commercial medical marijuana activities.

WHEREAS, the City Council finds that commercial medical marijuana activities, as well as cultivation for personal medical use as allowed by the CUA and MMP can adversely affect the health, safety, and well-being of City residents. Citywide prohibition is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells and indoor electrical fire hazards that may result from such activities. Further, as recognized by the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, marijuana cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

WHEREAS, the limited immunity from specified state marijuana laws provided by the Compassionate Use Act and Medical Marijuana Program does not confer a land use right or the right to create or maintain a public nuisance.

WHEREAS, MMRSA contains language that requires the City to either prohibit or regulate marijuana uses by March 1, 2016, either expressly or otherwise under the principles of permissive zoning, or the State of California will become the sole licensing authority. MMRSA also contains language that requires delivery services to be expressly prohibited by local ordinance, if the City wishes to do so. MMRSA is silent as to how the City must prohibit other type of commercial medical marijuana activities.

THE CITY COUNCIL OF THE CITY OF FORTUNA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: FINDINGS AND PURPOSE
The purpose of the Zoning amendment is to adopt an ordinance relating to medical marijuana by March 1, 2016 in order to avoid being permanently preempted by State legislative acts set to take effect, allowing the City time to revisit and consider alternatives to these prohibitions;

SECTION 2: AUTHORITY
This Ordinance is adopted pursuant to the authority granted by the California Constitution and State law, including but not limited to, Article XI, Section 7 of the California Constitution, the Compassionate Use Act, the Medical Marijuana Program, and The Medical Marijuana Regulation and Safety Act.
SECTION 3: AMENDMENT OF SECTION 17.06.120.5.

WHEREAS, Section 17.06.120.5, “Medical Marijuana and Cultivation,” is hereby added to the Fortuna Municipal Code to read as follows:

"SECTION 17.06.120.5" 
MEDICAL MARIJUANA AND CULTIVATION

Section:
17.06.120.5.a Definitions
17.06.120.5.b Prohibition.
17.06.120.5.c Public Nuisance.
17.06.120.5.d Civil Penalties.

17.06.120.5.a Definitions.

'Cannabis' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(f) as the same may be amended from time to time.

'Caregiver' or 'primary caregiver' shall have the same meaning as set forth in Health and Safety Code Section 11362.7 as the same may be amended from time to time.

'Commercial cannabis activity' shall have the same meaning as that set forth in Business and Professions Code Section 19300.5(k) as the same may be amended from time to time.

'Cooperative' shall mean two or more persons collectively or cooperatively cultivating, using, transporting, possessing, administering, delivering or making available medical marijuana, with or without compensation.

'Cultivation' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(1) as the same may be amended from time to time.

'Cultivation site' shall have the same meaning as set forth in Business and Professions Code Section 19300.5 (x) as the same may be amended from time to time.

'Delivery' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(m) as the same may be amended from time to time.

'Dispensary' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(n) as the same may be amended from time to time. For purposes of this Chapter, 'Dispensary' shall also include a cooperative.

'Dispensary' shall not include the following uses:
(1) A clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code,
(2) A health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code,
(3) A residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code,
(4) A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code,
(5) A residential hospice or home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code.

'Dispensing' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(o) as the same may be amended from time to time.

'Distribution' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(p) as the same may be amended from time to time.

'Distributor' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(q) as the same may be amended from time to time.

'Manufacturer' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(y) as the same may be amended from time to time.

'Manufacturing site' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(af) as the same may be amended from time to time.

'Medical cannabis,' 'medical cannabis product,' or 'cannabis product' shall have the same meanings as set forth in Business & Professions Code§ 19300.5(ag) as the same may be amended from time to time.

'Medical Marijuana Regulation and Safety Act' or 'MMRSA' shall mean the following bills signed into law on October 9, 2015 as the same may be amended from time to time: AB 243, AB 246, and SB 643.

'Nursery' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(ah) as the same may be amended from time to time.

'Qualifying patient' or 'Qualified patient' shall have the same meaning as set forth in Health and Safety Code Section 11362.7 as the same may be amended from time to time.

'Testing laboratory' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(z) as the same may be amended from time to time.

'Transport' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(am) as the same may be amended from time to time.

'Transporter' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(aa) as the same may be amended from time to time.

17.06.120.5.b Prohibition.

A. Commercial cannabis activities of all types are expressly prohibited in all zones in the City of Fortuna. No person shall establish, operate, conduct or allow a commercial cannabis activity anywhere within the City.

B. To the extent not already covered by subsection A above, all deliveries of medical cannabis are expressly prohibited within the City of Fortuna. No person shall conduct any deliveries that either originate or terminate within the City.
C. This Section is meant to prohibit all activities for which a state license is required. Accordingly, the City shall not issue any permit, license or other entitlement for any activity for which a state license is required under the MMRSA.

D. Cultivation of cannabis for non-commercial purposes, including cultivation by a qualified patient or a primary caregiver, is expressly prohibited in all zones in the City of Fortuna. No person, including a qualified patient or primary caregiver, shall cultivate any amount of cannabis in the City, even for medical purposes.

17.06.120.5.c Public Nuisance.

Any use or condition caused, or permitted to exist, in violation of any provision of this Section 17.06.120.5 shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to Code of Civil Procedure Section 731 or any other remedy available to the City.

17.06.120.5.d Civil Penalties.

In addition to any other enforcement permitted by this Section 17.06.120.5, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person or entity that violates this Chapter. In any civil action brought pursuant to this Chapter, a court of competent jurisdiction may award reasonable attorney fees and costs to the prevailing party."
SECTION 4: CEQA

The proposed ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), as it is not a project under CEQA. Pursuant to CEQA Guidelines section 15601(b)(3), CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility an action may have a significant effect on the environment, the action is not subject to CEQA. The proposed ordinance prohibits marijuana activities, and will not result in any development projects or other land disturbances; therefore, the ordinance amendment and the ordinance will not result in any physical changes to the environment.

SECTION 5: SEVERABILITY

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

SECTION 6: PUBLICATION

The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.

SECTION 7: CONFLICTS

All city policies, ordinances, and parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: EFFECTIVE DATE

This ordinance shall become effective thirty (30) days after its adoption.

INTRODUCED AND FIRST READING PERFORMED on the 4th day of January 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

________________________
Sue Long, Mayor

ATTEST:

________________________
Linda McGill CMC, City Clerk
SECOND READING PERFORMED AND ADOPTED on the day of January 2016, by the following vote:

AYES: 
NOES: 
ABSENT: 
ABSTAIN:

__________________________________________
Tami Trent, Mayor Pro Tem

ATTEST:

_______________________________
Linda McGill CMC, City Clerk

Approved As To Form:

_______________________________
David Tranberg, City Attorney

CERTIFICATE
I, Linda McGill, City Clerk of the City of Fortuna, do hereby certify that Ordinance 2016-719 was INTRODUCED at a regular meeting of the Fortuna City Council held the day of 2016, and was thereafter PASSED, ADOPTED AND ORDERED TO PRINT at a regular meeting of the Fortuna City Council held the day of 2016. I further certify that Ordinance 2016-719 was duly posted and published pursuant to law and the Charter of the City of Fortuna and is a true and correct copy.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Fortuna, California, and this ____ day of ______________, 2016.

__________________________________________
Linda McGill, CMC
City Clerk, City of Fortuna
RESOLUTION NO. P-2015-2014

A RESOLUTION OF THE CITY OF FORTUNA PLANNING COMMISSION RECOMMENDING THAT THE FORTUNA CITY COUNCIL ADOPT ZONING ORDINANCE 2016-719, ADDING SECTION 17.06.120.5, “MEDICAL MARIJUANA AND CULTIVATION” TO THE FORTUNA MUNICIPAL CODE

WHEREAS, the City of Fortuna is charged with regulating land use under the police power by adopting and amending the Fortuna Municipal Code through the adoption of relevant ordinances, and

WHEREAS, the Fortuna City Planning Commission at its regular meeting of December 22, 2015, held a public hearing and considered a Zoning Ordinance amendment, initiated by the City of Fortuna. This amendment involves changes to the Fortuna Zoning Ordinance (Title 17 of the Fortuna Municipal Code) which would add section 17.06.120.5, “Medical Marijuana and Cultivation” to the Fortuna Municipal Code prohibiting all commercial medical marijuana/cannabis uses and activities, including dispensing, cultivation, and delivery, in all zones in the City of Fortuna and prohibiting the cultivation of any amount of marijuana for medical use by a qualified patient or primary caregiver in all zones in the City of Fortuna; and,

WHEREAS, the purpose of the Zoning amendment is to adopt an ordinance relating to medical marijuana by March 1, 2016 in order to avoid being permanently preempted by State legislative acts set to take effect, allowing the City time to revisit and consider alternatives to these prohibitions;

WHEREAS, the Fortuna City Planning Commission concurs with the Findings of the staff report dated December 22, 2015; and

NOW, THEREFORE, BE IT RESOLVED, that the Commission hereby recommends that the Fortuna City Council adopt the attached Ordinance amending Title 17—Zoning Regulations, section 17.06.120.5of the Fortuna Municipal Code.

PASSED AND ADOPTED on this 22nd day of December, 2015 by the following vote:

AYES: Bywater, Mobley, Morrison, Schwartz
NOES: Kravitz, Meaney
ABSENT: 0
ABSTAIN: Davis

Vice Chair, Planning Commission

ATTEST:

Secretary, Planning Commission
ORDINANCE 2015-719
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORTUNA, CALIFORNIA, ADDING SECTION 17.06.120.5, "MEDICAL MARIJUANA AND CULTIVATION" TO THE FORTUNA MUNICIPAL CODE PROHIBITING ALL COMMERCIAL MEDICAL MARIJUANA USES IN THE CITY AND PROHIBITING CULTIVATION FOR MEDICAL USE BY A QUALIFIED PATIENT OR PRIMARY CAREGIVER

WHEREAS, in 1996, the voters of the State of California approved Proposition 215 (codified as California Health and Safety Code Section 11362.5 and entitled "The Compassionate Use Act of 1996" or "CUA").

WHEREAS, the intent of Proposition 215 was to enable persons who are in need of marijuana for medical purposes to use it without fear of criminal prosecution under limited, specified circumstances. The proposition further provides that "nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes." The ballot arguments supporting Proposition 215 expressly acknowledged that "Proposition 215 does not allow unlimited quantities of marijuana to be grown anywhere."

WHEREAS, in 2004, the Legislature enacted Senate Bill 420 (codified as California Health and Safety Code§ 11362.7 et seq. and referred to as the "Medical Marijuana Program" or "MMP") to clarify the scope of Proposition 215 and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with a limited defense to certain specified State criminal statutes. Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the Medical Marijuana Program to expressly recognize the authority of counties and cities to "[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective" and to civilly and criminally enforce such ordinances.

WHEREAS, in City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.: (2013) 56 Cal.4th 729, the California Supreme Court held that "[n]othing in the CUA or the MMP expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land. . . . " Additionally, in Mara/ v. City of Live Oak (2013) 221 Cal.App.4th 975, the Court of Appeal held that "there is no right—and certainly no constitutional right—to cultivate medical marijuana. . . . " The Court in Mara/ affirmed the ability of a local governmental entity to prohibit the cultivation of marijuana under its land use authority.

WHEREAS, the Federal Controlled Substances Act, 21 U.S.C. Section 801 et seq., classifies marijuana as a Schedule 1 Drug, which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for use under medical supervision. The Federal Controlled Substances Act makes it unlawful under federal law for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana.

WHEREAS, on October 9, 2015, Governor Brown signed three bills into law (AB
266, AB 243, and SB 643) which collectively are known as the Medical Marijuana Regulation and Safety Act (hereafter "MMRSA"). MMRSA set up a state licensing scheme for commercial medical marijuana uses while protecting local control by requiring that all such businesses must have a local license or permit to operate in addition to a state license. MMRSA allows the City to completely prohibit commercial medical marijuana activities.

WHEREAS, the City Council finds that commercial medical marijuana activities, as well as cultivation for personal medical use as allowed by the CUA and MMP can adversely affect the health, safety, and well-being of City residents. Citywide prohibition is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells and indoor electrical fire hazards that may result from such activities. Further, as recognized by the Attorney General’s August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, marijuana cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime.

WHEREAS, the limited immunity from specified state marijuana laws provided by the Compassionate Use Act and Medical Marijuana Program does not confer a land use right or the right to create or maintain a public nuisance.

WHEREAS, MMRSA contains language that requires the City to either prohibit or regulate marijuana uses by March 1, 2016, either expressly or otherwise under the principles of permissive zoning, or the State of California will become the sole licensing authority. MMRSA also contains language that requires delivery services to be expressly prohibited by local ordinance, if the City wishes to do so. MMRSA is silent as to how the City must prohibit other type of commercial medical marijuana activities.

THE CITY COUNCIL OF THE CITY OF FORTUNA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: FINDINGS AND PURPOSE

The purpose of the Zoning amendment is to adopt an ordinance relating to medical marijuana by March 1, 2016 in order to avoid being permanently preempted by State legislative acts set to take effect, allowing the City time to revisit and consider alternatives to these prohibitions;

SECTION 2: AUTHORITY

This Ordinance is adopted pursuant to the authority granted by the California Constitution and State law, including but not limited to, Article XI, Section 7 of the California Constitution, the Compassionate Use Act, the Medical Marijuana Program, and The Medical Marijuana Regulation and Safety Act.

SECTION 3: ADOPTION OF SECTION 17.06.120.5.

WHEREAS, Section 17.06.120.5, “Medical Marijuana and Cultivation,” is hereby added to the Fortuna Municipal Code to read as follows:
"Section 17.06.120.5"

MEDICAL MARIJUANA AND CULTIVATION

Section:
17.06.120.5.a Definitions.
17.06.120.5.b Prohibition. Public
17.06.120.5.c Nuisance. Civil
17.06.120.5.d Penalties.
17.06.120.5.a    Definitions.

'Cannabis' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(f) as the same may be amended from time to time.

'Caregiver' or 'primary caregiver' shall have the same meaning as set forth in Health and Safety Code Section 11362.7 as the same may be amended from time to time.

'Commercial cannabis activity' shall have the same meaning as that set forth in Business and Professions Code Section 19300.5(k) as the same may be amended from time to time.

'Cooperative' shall mean two or more persons collectively or cooperatively cultivating, using, transporting, possessing, administering, delivering or making available medical marijuana, with or without compensation.

'Cultivation' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(l) as the same may be amended from time to time.

'Cultivation site' shall have the same meaning as set forth in Business and Professions Code Section 19300.5 (x) as the same may be amended from time to time.

'Delivery' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(m) as the same may be amended from time to time.

'Dispensary' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(n) as the same may be amended from time to time. For purposes of this Chapter, 'Dispensary' shall also include a cooperative.

'Dispensary' shall not include the following uses:

1. A clinic licensed pursuant to Chapter 1 of Division 2 of the California Health and Safety Code,

2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the California Health and Safety Code,

3. A residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the California Health and Safety Code,

4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the California Health and Safety Code,
(5) A residential hospice or home health agency licensed pursuant to Chapter 8 of Division 2 of the California Health and Safety Code.

'Dispensing' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(o) as the same may be amended from time to time.

'Distribution' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(p) as the same may be amended from time to time.

'Distributor' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(q) as the same may be amended from time to time.

'Manufacturer' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(y) as the same may be amended from time to time.

'Manufacturing site' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(af) as the same may be amended from time to time.

'Medical cannabis,' 'medical cannabis product,' or 'cannabis product' shall have the same meanings as set forth in Business & Professions Code § 19300.5(ag) as the same may be amended from time to time.

'Medical Marijuana Regulation and Safety Act' or 'MMRSA' shall mean the following bills signed into law on October 9, 2015 as the same may be amended from time to time: AB 243, AB 246, and SB 643.

'Nursery' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(ah) as the same may be amended from time to time.

'Qualifying patient' or 'Qualified patient' shall have the same meaning as set forth in Health and Safety Code Section 11362.7 as the same may be amended from time to time.

'Testing laboratory' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(z) as the same may be amended from time to time.

'Transport' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(am) as the same may be amended from time to time.

'Transporter' shall have the same meaning as set forth in Business and Professions Code Section 19300.5(aa) as the same may be amended from time to time.

17.06.120.5.b Prohibition.

A. Commercial cannabis activities of all types are expressly prohibited in all zones in
the City of Fortuna. No person shall establish, operate, conduct or allow a commercial cannabis activity anywhere within the City.

B. To the extent not already covered by subsection A above, all deliveries of medical cannabis are expressly prohibited within the City of Fortuna. No person shall conduct any deliveries that either originate or terminate within the City.

C. This Section is meant to prohibit all activities for which a state license is required. Accordingly, the City shall not issue any permit, license or other entitlement for any activity for which a state license is required under the MMRSA.

D. Cultivation of cannabis for non-commercial purposes, including cultivation by a qualified patient or a primary caregiver, is expressly prohibited in all zones in the City of Fortuna. No person, including a qualified patient or primary caregiver, shall cultivate any amount of cannabis in the City, even for medical purposes.

17.06.120.5.c Public Nuisance.

Any use or condition caused, or permitted to exist, in violation of any provision of this Section 17.06.120.5 shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the City pursuant to Code of Civil Procedure Section 731 or any other remedy available to the City.

17.06.120.5.d Civil Penalties.

In addition to any other enforcement permitted by this Section 17.06.120.5, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person or entity that violates this Chapter. In any civil action brought pursuant to this Chapter, a court of competent jurisdiction may award reasonable attorney fees and costs to the prevailing party."
SECTION 4: CEQA

The proposed ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), as it is not a project under CEQA. Pursuant to CEQA Guidelines section 15601(b)(3), CEQA applies only to actions which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility an action may have a significant effect on the environment, the action is not subject to CEQA. The proposed ordinance prohibits marijuana activities, and will not result in any development projects or other land disturbances; therefore, the ordinance amendment and the ordinance will not result in any physical changes to the environment.

SECTION 5: SEVERABILITY

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

SECTION 6: PUBLICATION

The City Clerk is directed to cause a summary of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its adoption showing the vote thereon.
The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Fortuna on the ____ day of, 2016, and was passed and adopted at a regular meeting of said City Council held on the ___________ day of ________, 2016, by the following called vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

________________________
Sue Long, Mayor

ATTEST:

_____________________
Linda McGill CMC, City Clerk

Approved As To Form:

_____________________
David Tranberg, City Attorney

CERTIFICATE

I, Linda McGill, City Clerk of the City of Fortuna, do hereby certify that Ordinance 2015-____ was INTRODUCED at a regular meeting of the Fortuna City Council held the ___ day of _________ 2016, and was thereafter PASSED, ADOPTED AND ORDERED TO PRINT at a regular meeting of the Fortuna City Council held the ___ day of __________ 2016. I further certify that Ordinance 2015-____ was duly posted and published pursuant to law and the Charter of the City of Fortuna and is a true and correct copy.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Fortuna, California, and this ____ day of __________, 2016.

______________________
Linda McGill, CMC
City Clerk, City of Fortuna
DATE: January 4, 2016

TO: Honorable Mayor and Council Members

FROM: Regan M. Candelario, City Manager

SUBJECT: Approve a Memorandum of Understanding (MOU) between the County of Humboldt and the City of Fortuna to provide Housing Program Services. Resolution 2016-01

STAFF RECOMMENDATION:
Adopt Resolution 2016-01 approving the Memorandum of Understanding (MOU) between the County of Humboldt (County) and the City of Fortuna (City) to provide Housing Program Services for the City.

BACKGROUND:
The primary objective of the CDBG Program, as set forth by Congress, is “the development of viable urban communities, by providing decent housing, a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income.”

The City has demands for these services such as current loan recipients who have had a change in income, family member wishes to assume the loan, or the loan recipient passes away. The City has also had several members of our community who have made inquiries into what our City offers, but Finance does not have the staff to perform the needed qualification and background checks.

EXECUTIVE SUMMARY:
The City of Fortuna originally entered into an MOU with the County for these services in April of 2013, which was approved by Resolution 2013-09.

By adopting Resolution 2016-01 the City Council will be renewing the MOU to continue with the services currently being provided.

FINANCIAL IMPACT:
The funds will be used only for projects within the City of Fortuna, so as the County qualifies Fortuna residents, or Fortuna businesses owners for Housing Rehab and Business Improvement loans, the City will remit payment from its cash reserves held in its program income funds. This would occur over an indefinite period until these funds are depleted. The administrative charges will be paid from the same funds. There is no financial impact on our General Fund.

RECOMMENDED CITY COUNCIL ACTION:
1. Receive staff presentation and review Council questions with staff
2. Open public comment
4. Motion to adopt City Council Resolution 2016-01. Voice vote.

Attachments:
1. City Council Resolution 2016-01; A Resolution of The City of Fortuna Approving the Memorandum of Understanding between the County of Humboldt and the City of Fortuna to provide Housing Program services.
2. Attachment A: Memorandum of Understanding between the County of Humboldt and the City of Fortuna to provide Housing program services.
RESOLUTION 2016-01

A RESOLUTION OF THE CITY OF FORTUNA APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF HUMBOLDT AND THE CITY OF FORTUNA

WHEREAS, the City of Fortuna (City) previously used the services of Redwood Community Action Agency (RCAA) to manage and oversee their California Housing and Community Development (HCD) Housing Programs and RCAA no longer wished to perform this service for the City; and

WHEREAS, the County of Humboldt (County) currently operates its own HCD Housing Programs in the unincorporated areas of the County; and

WHEREAS, the City has occasionally consulted with the County staff regarding the City’s annual monitoring and reporting obligations required by HCD for its HCD-funded multi-family housing; and

WHEREAS, the City has occasionally consulted with the County staff on general questions related to HCD funded programs and projects; and

WHEREAS, the HCD regulations permit the City to contract with other governmental entities, such as another city or county to operate their HCD Housing programs; and

WHEREAS, the City has the funding to operate the City’s HCD Housing Programs; and

WHEREAS, the Parties desire to continue with an Agreement to have the City pay the County to manage the HCD Housing Programs for the City; and

NOW THEREFORE, THE CITY OF FORTUNA HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The Recitals set forth above are true and correct, and are incorporated herein by reference.

SECTION 2. This Resolution shall take effect immediately upon its adoption.

BE IT FURTHER RESOLVED The City Manager or his designee is authorized to take all actions necessary to implement this Resolution.

PASSED AND ADOPTED by the City Council of the City of Fortuna on January 4, 2016 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_______________________________
Sue Long, Mayor

ATTEST:

_______________________________
Linda McGill, City Clerk
MEMORANDUM OF UNDERSTANDING BETWEEN
THE COUNTY OF HUMBOLDT & THE CITY OF FORTUNA TO PROVIDE ASSISTANCE
ADMINISTERING CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT (HCD)
HOUSING PROGRAMS

This Agreement is made and entered into this ____ day of ________________ 2016, by and between the County of Humboldt, a political subdivision of the State of California, herein referred to as “HUMBOLDT” and the City of Fortuna, a charter city, herein referred to as “CITY” and collectively referred to as the “PARTIES.”

WHEREAS, on January 1, 2013, CITY and COUNTY agreed COUNTY would manage and oversee CITY’s California Housing and Community Development (HCD) HOME and CDBG Housing Programs and COUNTY has been doing so since that time; and

WHEREAS, the PARTIES desire to continue this Agreement and to expand it to allow for COUNTY management of CITY’s Development Block Grant (CDBG) Community and Economic projects and programs, both of which are part of CITY’s HCD programs; and

WHEREAS, the HCD regulations permit the CITY to contract with other governmental entities, such as a city or county, to operate their HCD Programs; and

WHEREAS, the CITY has funding to pay the COUNTY to administer the CITY’s HCD programs and projects; and

WHEREAS, the PARTIES now desire to enter into this Agreement to have the CITY pay the COUNTY to manage the HOME and CDBG Housing Programs and the CDBG Community and Economic projects and programs.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. COUNTY agrees to monitor CITY’s HCD funded multi-family housing complexes, operate the HCD funded housing programs, and answer general questions regarding the CITY programs as outlined in the Scope of Services in Attachment A, which is incorporated herein by reference.

2. CITY shall compensate COUNTY for all services performed pursuant to this Agreement.
   a. Compensation shall be billed at a burdened hourly rate. The burdened rate includes salaries and benefits. Burden rates are subject to change. The current rate of the primary staff member assigned to this task is $72.36. From time to time other staff may be assigned and their rates vary from $37.00 to $57.00.
   b. Travel shall be reimbursed at the County prevailing rate, which is currently .575/mile.
   c. COUNTY will provide CITY with a detailed billing invoice no less than quarterly setting forth both the hours expended and the travel expenses incurred pursuant to this Agreement. CITY shall thereafter pay COUNTY the amount as stated in the billing statement within thirty (30) days of submission of such statement to the CITY.

3. The two staff members who will be performing this contract on behalf of the COUNTY and the CITY are listed below. In the event one of these individuals leaves their employment or changes jobs within the COUNTY or CITY, the PARTIES shall notify each other of this fact within ten (10) working days.

   County of Humboldt                     City of Fortuna
   Paula Mushrush                          Regan M. Candelario
4. **Term of Agreement:** This agreement shall commence Upon the signatures of both parties, and shall terminate December 31, 2018. Early termination of the Contract may be effectuated by written notice from the County, without the need for action or ratification by the Humboldt County Board of Supervisors, upon twenty (20) days written notice of such termination. Early termination of the Contract may also be effectuated by written notice from the City of Fortuna, without need for action or ratification by the Fortuna City Council, upon twenty (20) days written notice of such termination.

5. Any notice required to be given pursuant to the terms and provisions herein shall be sent by First Class Mail, return receipt requested to the following addresses and shall be deemed received when placed in the stream of mail:

- **County of Humboldt**
  - **County Administrative Officer**
  - 825 Fifth Street, Room 112
  - Eureka, CA 95501
- **City of Fortuna**
  - **City Manager**
  - 621 11th Street
  - Fortuna, CA 95540

6. The COUNTY and the CITY are separate political agencies, County being a subdivision of the State of California and City being a municipal corporation, and as such, they are independent contractors with respect to each other. This agreement is not intended to, and shall not be construed to, create the relationship of agent, servant, employee, partnership, joint venture, or any other similar association. Nothing in this agreement shall be construed to create an employment relationship between CITY and any employee of COUNTY, or between COUNTY and any employee of CITY. Each party shall be solely responsible for the acts or omissions of its officers, agents, employees, and subcontractors. Neither party's employees shall be entitled to any employee benefits from the other party.

7. CITY shall hold harmless, defend and indemnify COUNTY and its board of Supervisors, officers, employees, agents and volunteers from and against any and all liability, loss, damage, expense, costs (including without limitation costs and fees of litigation) of every nature arising out of or in connection with COUNTY’s performance hereunder or its failure to comply with any of its obligations in this MOU, except such loss or damage as was caused by the sole negligence or willful misconduct of COUNTY.

8. COUNTY shall hold harmless, defend and indemnify CITY and its City Counsel, officers, employees, agents and volunteers from and against any and all liability, loss, damage, expense, costs (including without limitation costs and fees of litigation) of every nature arising out of or in connection with CITY’s performance hereunder or its failure to comply with any of its obligations in this MOU, except such loss or damage as was caused by the sole negligence or willful misconduct of CITY.

9. CITY certifies by its signature below that CITY is not a Nuclear Weapons Contractor, in that CITY is not knowingly or intentionally engaged in the research, development, production, or testing of nuclear warheads, nuclear weapons systems, or nuclear weapons components as defined by the Nuclear Free Humboldt County Ordinance. CITY agrees to notify COUNTY immediately if it becomes a nuclear weapons contractor as defined above. COUNTY may immediately terminate this Agreement if it determines that the foregoing certification is false or if CITY becomes a nuclear weapons contractor.

10. This agreement shall constitute the entire agreement between the PARTIES relating to the subject matter of this agreement, and shall supersede any previous agreements, promises, representation, understanding and negotiation, whether oral or written, concerning the same subject matter.
and all acts which may have already been consummated pursuant to the terms which are embodied in this agreement are hereby ratified.

11. No addition to, or alteration of, the terms of this Agreement shall be valid unless made in writing and signed by the PARTIES.

12. This agreement shall be construed in accordance with the laws of the State of California. Any dispute arising hereunder or relating to this agreement shall be litigated in the State of California and venue shall lie in the County of Humboldt unless transferred by court order pursuant to Code of Civil Procedure Sections 394 and 395.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this __________ day of ________________, 2016:

COUNTY OF HUMBOLDT.............................................. CITY OF FORTUNA..............................................

By_________________ By___________________
Mark Lovelace Regan M. Candelario
Chairwoman City Manager
Humboldt County Board of Supervisors City of Fortuna
SCOPE OF SERVICES

A. HCD-HOME Annual HOME Program Multi-Family Housing Monitoring

1. COUNTY shall correspond with property managers and the State of California on an annual basis on behalf of CITY with respect to all HCD sponsored properties located within the City of Fortuna.

2. COUNTY shall conduct on-site Inspections of minimum number of units as required by HOME and the recorded Regulatory Agreements.

3. COUNTY shall conduct file audits of minimum number of units as required by HOME and the recorded Regulatory Agreements.

4. COUNTY shall summarize all correspondence and send to CITY for its records.

B. HCD Project Management for CDBG Architectural Barrier Removal Projects

1. COUNTY shall handle administrative tasks and be primary contact with HCD staff for Architectural Barrier Removal Projects.

2. CITY will prepare bid, award, and manage contract with Contractor.

3. COUNTY will conduct prevailing wage monitoring.

C. HCD Program Management for CITY CDBG Programs

1. Business Assistance Loans
   a. COUNTY shall assist CITY to issue a Request for Proposals for an underwriter.
   b. CITY shall sign and record loan documents.
   c. COUNTY shall work with underwriter to prepare and submit CDBG Reports.

2. Micro-Enterprise Loans
   a. COUNTY shall income certify new participants.
   b. COUNTY shall prepare underwriting summaries and loan documents for submission to CITY.
   c. CITY shall sign and record loan documents.

3. First Time Homebuyer Loans
   a. COUNTY shall income certify new participants.
   b. COUNTY shall prepare underwriting summaries and loan documents for submission to CITY.
   c. CITY shall sign and record loan documents.

4. Owner-Occupied Rehabilitation (OOR) Loans
   a. COUNTY shall income certify new participants.
   b. COUNTY shall prepare underwriting summaries and loan documents for submission to CITY.
   c. CITY shall sign and record loan documents.
   a. COUNTY shall conduct initial and follow-up onsite inspections.
   b. COUNTY shall prepare bid documents and solicit bids on behalf of the OOR participants.
   c. COUNTY, in conjunction with participants, shall approve the contractor invoices and submit to CITY for payment. CITY shall make payments directly to contractors.
B. General Administrative Tasks

1. COUNTY shall answer general questions and assist the CITY with interpreting HCD regulations.

2. COUNTY shall assist CITY with HCD correspondence and Reports.

3. COUNTY shall submit completed files to CITY for its permanent record.

4. COUNTY and CITY shall work together to ensure State and Federal requirements are met. If the COUNTY becomes aware of any compliance problems staff will summarize the issues and submit a recommended course of action to CITY.
DATE: January 4, 2016

TO: Honorable Mayor and Council Members

FROM: Linda McGill, City Clerk

THRU: Regan M. Candelario, City Manager

SUBJECT: Council Review and Discussion of Commission Applications and Mayor’s Appointment of Commission Seats

STAFF RECOMMENDATION:


EXECUTIVE SUMMARY:

Below is the list of City Commissions and the number of seats to be filled on each. A copy of the applications received for open commission seats are attached.

- **Planning Commission:**
  - One of the seven Planning Commissioners seats and the Alternate seat are vacant as of December 31, 2015. One position is expired, and the alternate position is vacant due to a resignation.

- **Historical Commission:**
  - Two of the five Historical Commissioners seats expired on December 31, 2015.

- **Park & Recreation Commission:**
  - Two of the five Park & Recreation Commissioners seats expired on December 31, 2015.

*** Indicates Commissioner has reapplied

### PLANNING COMMISSION MEMBERS (4-year terms)

<table>
<thead>
<tr>
<th>Name</th>
<th>Term Start</th>
<th>Term End</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marvin Schwartz</td>
<td>May 1, 2006</td>
<td>December 31, 2017</td>
</tr>
<tr>
<td>John Morrison</td>
<td>August 12, 2014</td>
<td>December 31, 2017</td>
</tr>
<tr>
<td>Joseph Kravitz</td>
<td>January 1, 2014</td>
<td>December 31, 2017</td>
</tr>
<tr>
<td>Daniel Meaney</td>
<td>January 1, 2015</td>
<td>December 31, 2018</td>
</tr>
<tr>
<td>Jason Davis</td>
<td>January 1, 2012</td>
<td>December 31, 2018</td>
</tr>
<tr>
<td>Eric Bywater</td>
<td>October 21, 2014</td>
<td>December 31, 2018</td>
</tr>
</tbody>
</table>

### HISTORICAL COMMISSION MEMBERS (3- year terms)

<table>
<thead>
<tr>
<th>Name</th>
<th>Term Start</th>
<th>Term End</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jean Gianini</td>
<td>January 1, 2014</td>
<td>December 31, 2016</td>
</tr>
<tr>
<td>Michael Murray</td>
<td>January 1, 2015</td>
<td>December 31, 2016</td>
</tr>
<tr>
<td>Toni Scolari</td>
<td>January 1, 2014</td>
<td>December 31, 2016</td>
</tr>
<tr>
<td>Pam Zana</td>
<td>January 1, 2015</td>
<td>December 31, 2015</td>
</tr>
<tr>
<td>Sue Pritchard O’Hara</td>
<td>December 18, 2006</td>
<td>December 31, 2015</td>
</tr>
</tbody>
</table>
Specific details of each Commission are shown below.

### Planning Commission
(The term of office is 4 years)

One application has been received for the two open Planning Commission seats and one Alternate seat. The applicant is:

- Kris Mobley

The term of office is **four years** and if selected, the appointment will expire on December 31, 2019.

The term of office for the Alternate seat is **two years** and if selected, the appointment will expire on December 31, 2017.

### Historical Commission
(The term of office is 3 years)

Two applications have been received for the one open Historical Commission seat. The applicants are:

- Susan O’Hara
- Pam Zana

The term of office is **three years** and if selected, the appointment will expire on December 31, 2018.

### Parks & Recreation Commission
(The term of office is 3 years)

One application has been received for the two open Parks & Recreation Commission seats. The applicant is:

- Kathy Christensen

The term of office is **three years** and if selected, the appointment will expire on December 31, 2018.

**RECOMMENDED COUNCIL ACTION:**

1. Receive staff presentation and review Council questions with staff.
2. Open Public Comment
3. Close Public Comment
4. The Mayor makes the Commission appointment recommendations to the Council.
5. Motion to approve Mayors’ appointments. Roll call vote.
Name of Board or Commission: PLANNING
Applicant Name: KRIS MOBLEY
Home Address: 2149 SHAMROCK DR. FORTUNA
Mailing Address (if different): SAME
Home Phone: 496-3546 Business/Cell Phone: 
Email Address: KRISMOBLEY@GMAIL.COM
Education: 
Length of Time in the Fortuna Area: 15 YEARS
Present Employer: EEL RIVER DISPOSAL
Job Title: OPERATIONS MANAGER
Organizations in which you are currently involved: HERS, FORTUNA FIREWORKS
Reason for wanting to serve on this Board/Commission: TO HELP FORTUNA GROW IN A POSITIVE WAY
Expertise you bring to this Board/Commission: WORKING WITH MANY STATE AND LOCAL GOVERNMENTS ON MANY PROJECTS
References:
1. KRIS HOLMAAN BEACON CONSTRUCTION
2. KAREN SMITH EEL RIVER DISPOSAL

Signature Date

This application will be kept on file for six months.
City of Fortuna
APPLICATION FOR APPOINTMENT TO
CITY BOARD/COMMISSION

Name of Board or Commission: Fortuna Historical Commission

Applicant Name: Susan J.P. O’Hara

Home Address: 4433 Traci Way, Fortuna

Mailing Address (if different):

Home Phone: 707-725-2425 Business/Cell Phone: 764-5694

Email Address: sjpohara52@suddenlink.net

Education: B.A., UC Santa Cruz, MA, UC Santa Barbara, Teaching Credential, HSU

Length of Time in the Fortuna Area: Over 20 years

Present Employer: Rio Dell Elementary

Job Title: 4/5 Teacher

Organizations in which you are currently involved: Humboldt Redwoods Interp Assoc., Fortuna Garden Club, Historical Commission

Reason for wanting to serve on this Board/Commission: I have served on the commission for several years and wish to continue to help share local history.

Expertise you bring to this Board/Commission: I have served as president for the commission and written several books on local history with curator, Alex Service, and planned events and exhibits such as the annual Christmas exhibits.

References:

1. Doug Strehl
2. Shannon McWhorter

Erin Dunn
Regan Gandelario

Signature: Susan J.P. O’Hara
Date: Nov. 24, 2015

This application will be kept on file for six months.
Teacher

Determined Experienced Historian Collaborator

Objective: Re-Appointed, Fortuna Historical Commission

Professional Experience:
Taught at Rio Dell Elementary for 20 years

- Taught grades 1-8, 1995- Present
  Served on Site Council, Master Teacher, Presented several workshops on reading to staff, mentorship in history, wrote local history book for students in third grade,

- Taught 7-8 grade History and Language Arts classes

- Taught 1st and 5th grades at Agnes Johnson, Southern Humboldt Unified
  Osprey Learning Center, 1992

- PLC Facilitator, Rio Dell Elementary

- Trainer for Governor’s Reading Institutes for Sacramento Office of Education, 2002-2007

- Presented four trainings on teaching reading for HCOE 2002

- Teacher Leader for CRLP Results Training, 01-02

- Team Leader for CRLP Results Training

Credentials & Certificates:

- California Clear Credential, with single subject endorsement for History exp. 2020
- CLAD Certificate
Childhood Generalist, 2001, re-certified, 2011

- Celebrate Literacy Award, The International Reading Council, Humboldt Reading Council, Exemplary Service in the Promotion of Literacy, 2011

Education

- Teaching Credential, Humboldt State University, 1990

- Master of Arts, History, University of California at Santa Barbara 1987

- Bachelor of Arts, Double Major, History and Anthropology, University of California at Santa Cruz, 1984

Publications:

*Humboldt County Mills, 1850-1900* (2016, Arcadia Publishing South Carolina Co-authored with Alex Service)

*Northwestern Pacific Railroad, Eureka to Willits* (2013, Arcadia Publishing South Carolina Co-authored with Alex Service)

*Humboldt Redwoods State Park* (2012, Arcadia Publishing South Carolina Co-authored with Dave Stockton)

*Fortuna and the Eel River Valley* (2011, Arcadia Publishing South Carolina Co-authored with Alex Service)


*There Once was a Town Here, The History of Pine Grove on the Mendocino Coast* (1997, Mendocino County Museum, Willits, CA)

*Saving California’s Coast, Army Engineers at Oceanside and Humboldt Bay* (1991, Arthur H. Clark Company, Spokane)

*Public Justice, A History of the Santa Barbara County District Attorney, Chapter One The Early Years,* (1988, Graduate Program in Public History, U.C. Santa Barbara)

- National Board Certified Teacher, Early
City of Fortuna
APPLICATION FOR APPOINTMENT TO
CITY BOARD/COMMISSION

Name of Board or Commission: Historical Commission

Applicant Name: Pam Zane

Home Address: 859 13th Fortuna

Mailing Address (if different): 

Home Phone: 707-725-9608 Business/Cell Phone: 707-496-0023

Email Address: PJ Zane @ aol.com

Education: B.A. Graduate work

Length of Time in the Fortuna Area: Life time - 69 yrs

Present Employer: Retired - but substitute teach + 

cater with C.C. Market

Job Title: 

Organizations in which you are currently involved: Catholic Daughters, Historical Commission

Reason for wanting to serve on this Board/Commission: Interested in the preservation of the history of our area, and enjoy it.

Expertise you bring to this Board/Commission: Majored in History in college - so lifelong interest in history; know many people and references in our area.

References:
1. Mary Johnson 725-2336

2. Karen Parlate 725-3532

Signature: Pam Zane

Date: December 17, 2015

This application will be kept on file for six months.
City of Fortuna
APPLICATION FOR APPOINTMENT TO
CITY BOARD/COMMISSION

Name of Board or Commission: Parks and Recreation

Applicant Name: Kathy Christensen

Home Address: 3120 Kinmar Rd, Fortuna 95540

Mailing Address (if different): ________________________________

Home Phone: ________________________________ Business/Cell Phone: 767-845-2437

Email Address: Scrap Kath@hotmail.com

Education: BA from HSU

Length of Time in the Fortuna Area: 14 years

Present Employer: Visiting Angels

Job Title: Caregiver

Organizations in which you are currently involved: Redwood Prep Parent Council, Fastpitch, FOHS Girls Sports

Reason for wanting to serve on this Board/Commission: To help keep our park's Rec dept up to date and relevant for our current and future residents. My family uses the parks, participates in City activities & plays many sports that are supported by the City of Fortuna.

Expertise you bring to this Board/Commission: ________________________________

References:

1. Eric Helms 767-616-4470
2. Becky Lewis 530-515-9284

Kathy Christ 12-12-15

Signature Date

This application will be kept on file for six months.
DATE: January 4, 2016

TO: Honorable Mayor and City Councilmembers

FROM: Regan M. Candelario, City Manager

1. **Upcoming Council Meeting Dates**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
<th>Time</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monday, January 18, 2016</td>
<td>Council Meeting</td>
<td>6:00 p.m.</td>
<td>Council Chambers at City Hall</td>
</tr>
<tr>
<td>Wednesday, January 13, 2016</td>
<td>Workshop Special Council Meeting</td>
<td>6:30 p.m.</td>
<td>Council Chambers at City Hall</td>
</tr>
<tr>
<td>Monday, February 1, 2016</td>
<td>Council Meeting</td>
<td>6:00 p.m.</td>
<td>Council Chambers at City Hall</td>
</tr>
</tbody>
</table>

2. **Verbal Report**

- Staff completed an update meeting with the McLean Foundation and consultant LACO regarding the Strongs Creek Valley annexation project.
- Division Head Staff members are preparing for the objectives and accomplishments discussion meeting set for February 2016.
- The City Manager will be providing direction to the Departments regarding the upcoming fiscal year budget development process.
- There are many significant development projects on the current agenda for City Staff and more in the pipeline. These projects are very encouraging for the future of Fortuna and will require focus and extra efforts.