

MEETING AGENDA

The City Council/Successor Agency- of the City of Firebaugh

Vol. No. 21/11-01

Date/Time: November 1, 2021/6:00 p.m.

***SPECIAL NOTICE DUE TO COVID-19 MEETING WILL BE HELD VIA TELECONFERENCE ONLY
THE MEETING WILL NOT BE OPEN TO IN-PERSON MEETING**

**PURSUANT TO PARAGRAPH 11 OF EXECUTIVE ORDER N-25-20,
EXECUTED BY THE GOVERNOR OF CALIFORNIA ON MARCH 12, 2020**

Members of the public who wish to address the Council may do so by submitting a written comments to the Deputy Clerk via email deputyclerk@ci.firebaugh.ca.us Please provide: Council Meeting Date, Item Number your comment are pertaining to, Name, Email and comment, no later than 3:00 PM the day of the meeting.

***Pursuant to Government Code Section 54953 (b)(2), all action taken during this teleconferenced meeting shall be by roll call vote.**

Join Zoom Meeting

<https://us02web.zoom.us/j/86036567922?pwd=bFVaOGpCL2hNemdWN0NnOHBhWlRCdz09>

Meeting ID: 860 3656 7922

Passcode: 936222

Phone: 1-669-900-9128

CALL TO ORDER

ROLL CALL

Mayor Freddy Valdez
Mayor Pro Tem Brady Jenkins
Council Member Felipe Pérez
Council Member Marcia Sablan
Council Member Elsa Lopez

In compliance with the Americans with Disabilities Act, if you need special assistance to access the Andrew Firebaugh Community Center to participate at this meeting, please contact the Deputy City Clerk at (559) 659-2043. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the Andrew Firebaugh Community Center.

Any writing or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at City Hall, in the Deputy City Clerk's office, during normal business hours.

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

PUBLIC COMMENT

PRESENTATION

CONSENT CALENDAR

Items listed on the calendar are considered routine and are acted upon by one motion unless any Council member requests separate action. Typical items include minutes, claims, adoption of ordinances previously introduced and discussed, execution of agreements and other similar items.

1. APPROVAL OF MINUTES – The City Council regular meeting on October 18, 2021.

2. THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING THE SIDE LETTER TO RESOLUTION NO. 21-38 - BETWEEN CITY OF FIREBAUGH AND THE FIREBAUGH MISCELLANEOUS EMPLOYEES ASSOCIATION - Implementation of City-Adopted Mandatory Vaccination Policy.
3. THE CITY COUNCIL OF THE CITY OF FIREBAUGH APPROVING THE SIDE LETTER TO RESOLUTION NO. 21-38 - BETWEEN CITY OF FIREBAUGH AND THE FIREBAUGH POLICE OFFICERS ASSOCIATION - Implementation of City-Adopted Mandatory Vaccination Policy.

PUBLIC HEARING

4. ORDINANCE NO. 21-04 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH REPEALING SECTIONS 9-1.1, 9-1.2, 9-1.3, AND 9-1.4 OF CHAPTER 9 [TRAILERS AND TRAILER PARKS] OF THE MUNICIPAL CODE, REPLACING THE HEADING OF CHAPTER 9 WITH THE TITLE "MOBILEHOME PARKS ACT", AND ADDING SECTIONS 9-1.1 THROUGH 9-1.11 RELATING TO THE ASSUMPTION OF RESPONSIBILITY OF ENFORCING THE MOBILEHOME PARKS ACT AND SPECIAL OCCUPANCY PARKS ACT OF THE CALIFORNIA HEALTH AND SAFETY CODE – FIRST READING.

Recommended Action: Council receives public comment & waives the first reading of Ord. No. 21-04.

NEW BUSINESS

5. RESOLUTION NO. 21-42 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING USE OF EMERGENCY REMOTE TELECONFERENCING PROVISIONS.

Recommended Action: Council receives public comment & approves Res. No. 21-42.

STAFF REPORTS

CLOSED SESSION

ANNOUNCEMENT AFTER CLOSED SESSION

ADJOURNMENT

<u>Certification of posting the Agenda</u>

I declare under penalty of perjury that I am employed by the City of Firebaugh & that I posted this agenda on the bulletin boards at City Hall, October 29, 2021 at 5:00 p.m. by Rita Lozano Deputy City Clerk.

MEETING MINUTES

The City Council/Successor Agency of the City of Firebaugh
Vol. No. 21/10-18

**PURSUANT TO PARAGRAPH 11 OF EXECUTIVE ORDER N-25-20,
EXECUTED BY THE GOVERNOR OF CALIFORNIA ON MARCH 12, 2020**

City Council Meeting held via teleconferencing

***Pursuant to Government Code Section 54953 (b) (2), all action taken during this teleconferenced meeting shall be by roll call vote.**

Location of Meeting: Andrew Firebaugh Community Center
1655 13th Street, Firebaugh, CA 93622

Date/Time: October 18, 2021/6:00 p.m.

CALL TO ORDER Meeting called to order by Mayor Valdez at 6:00 p.m.

ROLL CALL Mayor Freddy Valdez
Mayor Pro Tem Brady Jenkins
Council Member Marcia Sablan
Council Member Felipe Pérez
Council Member Elsa Lopez

ABSENT:

OTHERS: City Attorney James Sanchez; City Attorney Jessica Mejorado; City Manager/Acting Public Works Director, Ben Gallegos; Deputy Clerk, Rita Lozano; Finance Director, Pio Martin; Police Chief, Sal Raygoza; Fire Chief, John Borboa; Mr. Mark Benjamin of Board of Supervisor Brain Pacheco's Office, Linda Espinoza, Anthony Catalan, Linda DeFrancesco, Nicole Molina, Hector Marin, Silvia Renteria, Vero, Danni Pacini, Matthew, BJ, Fernando Campa, Melissa Knight, Kristy, Patti, Stacy Quintana, Ruben, Randall Coffman, Amy Fleming, Charles Fleming, Mark Garcia, Beau Diedrich, Michael Daniel & others.

PLEDGE OF ALLEGIANCE Council Member Jenkins led pledge of Allegiance.

APPROVAL OF THE AGENDA

Motion to approve agenda by Council Member Jenkins, second by Council Member Lopez, motion passed by 5-0 vote.

PUBLIC COMMENT:

Linda DeFrancesco submitted a request for an item to be added to this agenda, pending approval, but never received a response and item is not on the agenda. Staff confirmed receiving the request, but was pending approval, which was not received before agenda was posted. Charles requested open in-person meeting to have conversation, Council doesn't want to get sued over something like this, and added, at the carnival, which was open to the public, and not one single person was wearing a mask. People should have the freedom to choose if they want to be vaccinated, other events are the same, at the Fresno Fair, no one was wearing a mask, & those who did, wore the mask by choice. Amy Fleming asked, if anyone was aware of the World Doctor's Association, then directly asked Council Member/Dr. Sablan if she's aware of the organization, then proceed to provide information of the organization. Amy told Council, they reported earlier the public is aware of the weight and pressure they carry on their shoulders, and continued., the public is here to alleviate some of that pressure by giving the people the choice to be vaccinated or not. Informed Council that there is a petition going around to get Council back to in-person meetings, 75% of the public doesn't know what's going on." Mark Garcia stated, "My freedom wasn't given to me by any elected official. One of 10% of what's going on, is more and more the public officials are doing (making decision) to receive more funding, the public doesn't want more funding, but they want a choice on being vaccinated or not, and for the kids that attend schools. Elected officials should do what the public want you to do as elected officials. Federal Officials don't have to do it, the Health Department in not requiring them to do it and other government officials are not requiring it. " Linda Espinoza asked if City Council are going to be required to be

vaccinated as well, or is the Council Members under a different guidelines? They want our kids, it's an experimental drug, no one knows what's in it, and we don't know if it's safe, or what could happen in the future after you take it. Melissa Knight, asked if the Council has a backup plan, if the City doesn't have enough fire department volunteers to support the community with the fires or emergencies if the city loose volunteers because they are mandated to take the vaccine. Beau Diedrich added, "In our house, we have kids & we made a decision that we didn't want to get vaccinated. Who gives you the right to stick a needle in our arms or arms of the community, the City Employees, Fire Fighters or Public Works?" Michael Daniels reported, parents are asking him about the PAL basketball league, will they still have it or should someone in the community try to run it, who is the contact. Josh Allen just threw a Touch Down, if anyone would like to know. Staff replied, contact the Police Chief Sal Raygoza about the PAL league.

PRESENTATION: None

CONSENT CALENDAR

1. **APPROVAL OF MINUTES – The City Council regular meeting on October 4, 2021.**
2. **APPROVAL OF MINUTES – The City Council Special meeting on October 7, 2021.**
3. **WARRANT REGISTER – Period starting September 1, and ending on September 30, 2021.**

September 2021	General Warrants	#41603 - #41846	\$ 1,591,816.21
	Payroll Warrants	#71583 - #71605	\$ 192,230.98
	TOTAL		\$ 1,784,047.19

Motion to approve consent calendar by Council Member Jenkins, second by Council Member Sablan, motion passed by 5-0 vote.

PUBLIC HEARING

None

NEW BUSINESS

4. **THE CITY COUNCIL OF THE CITY OF FIREBAUGH TO CONSIDER AND DISCUSS THE SUSPENSION OF THEIR STIPEND UNTIL IN-PERSON MEETING RESUME.**

Charles Fleming, Amy Fleming, Linda DeFrancesco, Linda Espinoza, Council Member Lopez & Council Member Jenkins all expressed their wish to have open in-person meetings, stating others cities have gone back, they feel the communications is a little disconnected via zoom meetings & the public is in favor of the stipend suspension for Council Members, until Council re-opens in-person meetings.

Motion failed, 1st by Council member Lopez, no second motion was made.

STAFF REPORTS

- **Police Chief, Sal Raygoza** – enclosed in the agenda packets is a nine month crime comparison report for 2020-2021.
- **Fire Chief John Borboa** – nothing to report
- **City Attorney, James Sanchez** – next meeting, agenda item for consideration is the review and consideration of the 30 day viral meeting option.
- **City Engineer, Mario Gouveia** – Cardella preconstruction meeting will be held in the near future.

- **Finance Director, Pio Martin** – the new bank account is open, everything is being transferred, we still can't close the old account at this time, but all checks will be printed with the new account number account, hoping to present the Festival report within the next month, still waiting for all the revenue and expenditures to come in.
 - **Deputy City Clerk, Rita Lozano** – nothing to report.
 - **Mr. Mark Benjamin of Board of Supervisor Brain Pacheco's Office** –
 - **City Manager, Ben Gallegos** – Fresno County is third in the State of California with the most positive cases of COVID, had a meeting with Caltrans on how to make the Beautification project safer. Paving will begin on Cardella, October 25, 2021, notice will sent to the residents in both English and Spanish informing them that they will not be able to park their cars on the street during this time. Thanked Marc Benjamin for he's help in providing a letter of support for one of our projects, the School District also provided a letter of support, we want to thank them too.
 - **Council Member Lopez** – Council Member Valdez, stated we are waiting for guidance to go back to in-person meeting, I would like to know who's guidance are waiting for? Council Member Valdez, replied, the Police Chief's, since he is the Emergency Operator. Thank You Josh Allen & the Bills organization, for helping the Firebaugh School District in getting \$100,000 by donations from selling Firebaugh High School sweatshirts.
 - **Council Member Perez** – nothing to report.
 - **Council Member Sablan** – Officer Jose Mora, whom passed in the line of duty from COVID, will be honored by having his name placed on the National Law Enforcement Monument. Inquired about an update on the Code Enforcement at Mobile home Parks, Deputy Clerk replied, the Public Hearing notice has been published and the ordinance will be introduced for the first reading at the next Council meeting, November 1, 2021.
 - **Council Member Jenkins** – stated, "The public is right, we've had discussion for the past five months, and haven't gotten any update or movement forward in have in-person meetings. I do thank everyone for their participation and input, but when the doors open, I hope that the public continues to come and participate during the open in-person meetings."
 - **Council Member Valdez** – "I would like to see hybrid meetings, with both open in-person and continue the zoom meetings, so everyone can participate. I've seen more participation through zoom, than we've hand during in-person meetings."
- ❖ ***Motion to enter closed session at 7:03 pm by Council Member Jenkins, second by Council Member Sablan, motion passed by 5-0 vote.***

CLOSED SESSION

5. **Government Code Section 54957.6.**
CONFERENCE WITH LABOR NEGOTIATORS: ALL REPRESENTED & UNREPRESENTED EMPLOYEES
City Negotiator: Ben Gallegos
Employee Organizations: Police & Public Works bargaining units and all unrepresented positions

- ❖ ***Motion to enter open session at 7:57 pm by Consensus of the Council, motion passed by 5-0 vote.***

ANNOUNCEMENT AFTER CLOSED SESSION

City Council has directed staff to added language requested by the bargaining units to mandated resolution 21-38.

ADJOURNMENT

Motion to adjourn at 7:59 pm by Council Member Jenkins, second by Council Member Perez, motion passes by a 5-0 vote.

SIDE LETTER TO RESOLUTION NO. 21-38
BETWEEN
CITY OF FIREBAUGH
AND THE
FIREBAUGH MISCELLANEOUS EMPLOYEES ASSOCIATION
Implementation of City-Adopted Mandatory Vaccination Policy (Resolution No. 21-38)
November 1, 2021

This Side Letter is entered into by and between the City of Firebaugh (“City”) and the **FIREBAUGH MISCELLANEOUS EMPLOYEES ASSOCIATION** (“Unit”), collectively referred to as the “Parties.” The Parties have entered this Side Letter to reflect the agreement regarding implementation of the Mandatory Employee and Volunteer Vaccination Policy adopted on September 20, 2021 (“Policy”).

The Parties agree as follows:

1. City adopted the Policy on an emergency basis and directed the City Manager to meet and confer with affected employees and volunteers on the effects of the Policy. The Parties met in good faith and present this Side Letter to detail agreement on the implementation of the Policy by the City Manager.
2. All employees and volunteers shall demonstrate legal proof of COVID-19 vaccination by November 1, 2021. If the City requires a copy of the vaccination record, it will be treated and protected as any other personnel or medical record. Employees and volunteers with religious, medical, or other good faith basis for non-vaccination shall make a written request for reasonable accommodation from the City.
3. The City will require all employees and volunteers requesting reasonable accommodation to:
 - Submit to weekly COVID-19 testing. City will pay for the testing and reasonable time off.
 - Wear a mask while on-duty or at any work location, whether indoors or outdoors, unless engaged in fire-fighting activity.
4. Any employee refusing to follow the Policy is subject to progressive discipline (these steps include verbal and written counseling, suspension and termination). Any volunteer refusing to follow the Policy will no longer be allowed to serve on behalf of the City.
5. The Parties agree that this Side Letter is not precedent setting, does not constitute a past practice, and does not constitute a waiver of the City’s right to refuse to negotiate matters that are not mandatory subjects of bargaining.

6. The Parties agree this Side Letter constitutes the entire agreement between the Parties relating to the implementation of the Policy. Any prior verbal or nonverbal understanding, terms or conditions are deemed merged into this Side Letter.
7. Except as expressly modified by this Side Letter, the Policy and any current Memorandum of Understanding remains in full force and effect.

This Side Letter is made and entered into this day of November, by the City and Unit and takes retroactive effect to November 1, 2021.

FOR THE CITY:

**FOR THE FIREBAUGH MISCELLANEOUS
EMPLOYEES ASSOCIATION UNIT:**

Ben Gallegos, City Manager

Allen Dunbar, Business Representative

Noah Marquez, Bargaining Team Member

Michael Molina, Bargaining Team Member

Date: _____

Date: _____

SIDE LETTER TO RESOLUTION NO. 21-38

BETWEEN

CITY OF FIREBAUGH

AND THE

FIREBAUGH POLICE OFFICERS ASSOCIATION

Implementation of City-Adopted Mandatory Vaccination Policy (Resolution No. 21-38)

November 1, 2021

This Side Letter is entered into by and between the City of Firebaugh ("City") and the **FIREBAUGH POLICE OFFICERS ASSOCIATION** ("Unit"), collectively referred to as the "Parties." The Parties have entered this Side Letter to reflect the agreement regarding implementation of the Mandatory Employee and Volunteer Vaccination Policy adopted on September 20, 2021 ("Policy").

The Parties agree as follows:

1. City adopted the Policy on an emergency basis and directed the City Manager to meet and confer with affected employees and volunteers on the effects of the Policy. The Parties met in good faith and present this Side Letter to detail agreement on the implementation of the Policy by the City Manager.
2. All employees and volunteers shall demonstrate legal proof of COVID-19 vaccination by November 1, 2021. If the City requires a copy of the vaccination record, it will be treated and protected as any other personnel or medical record. Employees and volunteers with religious, medical, or other good faith basis for non-vaccination shall make a written request for reasonable accommodation from the City.
3. The City will require all employees and volunteers requesting reasonable accommodation to:
 - Submit to weekly COVID-19 testing. City will pay for the testing and reasonable time off.
 - Wear a mask while on-duty or at any work location, whether indoors or outdoors, unless engaged in fire-fighting activity.
4. Any employee refusing to follow the Policy is subject to progressive discipline (these steps include verbal and written counseling, suspension and termination). Any volunteer refusing to follow the Policy will no longer be allowed to serve on behalf of the City.
5. The Parties agree that this Side Letter is not precedent setting, does not constitute a past practice, and does not constitute a waiver of the City's right to refuse to negotiate matters that are not mandatory subjects of bargaining.

6. The Parties agree this Side Letter constitutes the entire agreement between the Parties relating to the implementation of the Policy. Any prior verbal or nonverbal understanding, terms or conditions are deemed merged into this Side Letter.
7. Except as expressly modified by this Side Letter, the Policy and any current Memorandum of Understanding remains in full force and effect.

This Side Letter is made and entered into this day of November, by the City and Unit and takes retroactive effect to November 1, 2021.

FOR THE CITY:

**FOR THE FIREBAUGH POLICE OFFICERS
ASSOCIATION UNIT:**

Ben Gallegos, City Manager

Allen Dunbar, Business Representative

Juan Castillo, Vice President Police Officer

Fernando Campa, President Police Officer

Date: _____

Date: _____



STAFF REPORT

TO: Firebaugh City Council

FROM: Matthew M. Lear, Deputy City Attorney
Ben Gallegos, City Manager
Salvador Raygoza, Chief of Police

DATE: November 1, 2021

SUBJECT: Introduction of Ordinance No. 21-04 – An Ordinance of the City Council of the City Of Firebaugh repealing Sections 9-1.1, 9-1.2, 9-1.3, and 9-1.4 of Chapter 9 [Trailers and Trailer Parks] of the Municipal Code, replacing the heading of Chapter 9 with the title “Mobilehome Parks Act”, and adding Sections 9-1.1 through 9-1.11, relating to the Assumption of Responsibility of Enforcing the Mobilehome Parks Act and Special Occupancy Parks Act of the California Health and Safety Code.

BACKGROUND

Mobilehome Parks (“MHPs”) fall under the jurisdiction of the State of California, specifically the Department of Housing and Community Development (“HCD”) and are subject to the Mobilehome Parks Act and the Special Occupancy Act (collectively the “Acts”). Because the City does not have jurisdiction over MHPs, the City must rely on HCD to conduct inspections and enforcements of the Acts. Unfortunately, HCD is responsible for approximately 83% of all MHPs throughout the state and HCD’s limited resources has caused the City’s MHPs to be neglected.

DISCUSSION

The City currently has four (4) MHPs within its boundaries. But the City’s MHPs haven’t been inspected by HCD for compliance with Acts for several years. City staff has expressed interest in assuming authority over the City’s MHPs to allow for the City to provide more direct control and responsiveness over the health and safety issues within the City’s MHPs. Furthermore, the rural character of the City necessitates a local enforcement focus.

The Health and Safety Code provides a mechanism for the City to take responsibility for the enforcement of the Acts over the City’s MHPs. To assume authority over the MHPs, the City must pass an ordinance pursuant to Health and Safety Code section 18300, transmit said ordinance to HCD, and receive HCD approval. Upon approval from HCD, the City would take responsibility for the following:

1. Inspections and enforcement of MHPs pursuant to the Acts.
2. Provide MHPs with notices to abate violations of the Acts.
3. Provide informal conferences with property owners to resolve nuisance abatement issues.
4. The City will review, and issue permits pursuant to the Acts for construction of any structures, accessory buildings, or building components within an MHP.
5. The City will collect annual operating permit fees and inspection fees pursuant to the Acts, with a portion of the fees to be sent to HCD.
6. The City is required to use only the forms authored by HCD for the permitting process.
7. The City will be required to enforce the building standards specific to MHPs, pursuant to the Acts.
8. The City will be subject to oversight from HCD, requiring the City to notify HCD of any changes in personnel responsible for inspections and enforcement of the Acts within the City’s MHPs.

The above referenced responsibilities of the City are referenced within the Ordinance but will need to be further outlined in an internal City policy of the appropriate procedures and requirements for inspection and enforcement pursuant to the Acts. It should be noted, that even though the City takes responsibility over the enforcement of MHPs, the Acts, not the Municipal Code, are what must be applied to the MHPs.

FISCAL IMPACT

If the City's ordinance is approved by HCD, the City's Police Department will be the primary agent in enforcing the Acts. The Department is prepared to assign one (1) code enforcement officer to be dedicated to carrying out the duties and responsibilities of the Acts. The City's Building Department would be responsible for handling the permitting, maintaining the documentation of the MHPs within the City, and collecting/transmitting state fees.

Approval of the ordinance would require re-prioritization of current City staff. There may be a minor fiscal impact to the Building Department and Police Department for increased staff time relating to training and implementation of the City's new responsibilities.

RECOMMENDATION

Introduce Ordinance No. 21-04.

ATTACHMENTS

1. Ordinance No. 21-04.

ORDINANCE NO. 21-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH REPEALING SECTIONS 9-1.1, 9-1.2, 9-1.3, AND 9-1.4 OF CHAPTER 9 [TRAILERS AND TRAILER PARKS] OF THE MUNICIPAL CODE, REPLACING THE HEADING OF CHAPTER 9 WITH THE TITLE "MOBILEHOME PARKS ACT", AND ADDING SECTIONS 9-1.1 THROUGH 9-1.11 RELATING TO THE ASSUMPTION OF RESPONSIBILITY OF ENFORCING THE MOBILEHOME PARKS ACT AND SPECIAL OCCUPANCY PARKS ACT OF THE CALIFORNIA HEALTH AND SAFETY CODE.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FIREBAUGH DOES ORDAIN AS FOLLOWS:

Section 1. Sections 9-1.1, 9-1.2, 9-1.3, and 9-1.4 of Chapter 9 [Trailers and Trailer Parks] of the Firebaugh Municipal Code are hereby repealed.

Section 2. The heading of Chapter 9 of the Firebaugh Municipal Code is hereby amended, and new sections 9-1.1 through 9-1.12, are hereby added to Chapter 9 of the Firebaugh Municipal Code to read as follows:

Chapter 9 Mobilehome Parks Act

§ 9-1.1	Legislative Findings.
§ 9-1.2	Assumption of Responsibilities.
§ 9-1.3	Delegation of Authority.
§ 9-1.4	Schedule of Fees.
§ 9-1.5	Statement of Objectives.
§ 9-1.6	Description of Existing Mobilehome Parks.
§ 9-1.7	Effective Date of Assumption.
§ 9-1.8	Method of Enforcement.
§ 9-1.9	Use of State Forms.
§ 9-1.10	Permits to Operate and State Fees.
§ 9-1.11	Transmittal of Ordinance.
§ 9-1.12	Notice of Assumption of Enforcement.

§ 9-1.1 Legislative Findings.

The City Council finds and determines that:

- a. The City of Firebaugh (City) currently has four (4) mobilehome parks operating within the City.
- b. The mobilehome parks within the City have not been inspected for compliance with state building regulations in several years.
- c. Many of the buildings within the City's mobilehome parks are maintained in a substandard condition with noticeable structural issues and constitute fire hazards.
- d. The City currently lacks jurisdiction to inspect and enforce state building regulations relating to mobilehome parks, as the California Department of Housing and Community Development (HCD) retains such authority.
- e. HCD is responsible for approximately 83% of all mobilehome parks throughout the state.
- f. The City has significant need for timely inspection and enforcement of its mobilehome parks in order to maintain the health and safety of its citizens.
- g. The rural character of the City necessitates a local enforcement focus.
- h. California Health and Safety Code section 18300 provides a mechanism for the City to assume responsibility of the enforcement of state law relating to mobilehome parks and special occupancy parks.

- i. The City has the staff and ability to assume responsibility for the enforcement of its mobilehome parks.
- j. This Ordinance is necessary to provide the necessary public health and safety enforcement and regulatory tools to address the health and safety concerns affecting the City's mobilehome parks.

§ 9-1.2 Assumption of Responsibilities.

Pursuant to Section 18300 of the California Health and Safety Code, and upon authorization from the HCD and subject to the acceptance of reasonable conditions of approval, if any, the City of Firebaugh hereby assumes responsibility for the enforcement of Division 13, Part 2.1, commencing with section 18200 (Mobilehome Parks Act) and Part 2.3 commencing with section 18860 (Special Occupancy Parks Act), of the Health and Safety Code and their implementing regulations set forth in Title 25, California Code of Regulations Division 1, Chapters 2 and 2.2, the building standards published in the California State Building Standards Code relating to mobilehome parks, special occupancy parks, travel trailer parks, recreational trailer parks, temporary trailer parks, incident camping areas, and tent camps and the related administrative regulations (collective referred to as "the Acts".)

§ 9-1.3 Delegation of Authority.

Pursuant to HCD approval, the City shall be the enforcement agency as defined by section 18207 of the Health and Safety Code and will assign the responsibility for the enforcement of the Acts to the City's Police Department. The Police Department shall provide qualified personnel for the actual enforcement of the Acts. The Department will assign one (1) code enforcement officer to be dedicated to carrying out the duties and responsibilities of the Acts, including but not limited to inspecting the City's mobilehome parks and issuing notices of violation when necessary. The Police Department may utilize other code enforcement officers to assist when necessary.

The City will assign the responsibility for the collection and issuance of permits and state fees, maintenance of mobilehome park records, and the monitoring of compliance of the mobilehome parks, to the City's Building Department.

§ 9-1.4 Schedule of Fees.

The City hereby adopts the fee schedules as contained in the Acts at Division 13, Parts 2.1 and 2.3, and implementing regulations. Any increases or revisions of the fee schedules noted above will be enforceable within the City limits.

§ 9-1.5 Statement of Objectives.

The City hereby adopts the program and statement of objectives contained in the Acts. The City's specific local objectives, include but are not limited to providing timely and reliable enforcement of the Acts, reduction of threats of fire, and protections public health, safety, and welfare inside of Mobilehome and Special Occupancy Parks. The City intends to enforce and implement the program to include all parks now under HCD jurisdiction and any new parks that may be created within the City.

§ 9-1.6 Description of Existing Mobilehome Parks.

According to statistics provided by HCD, there are currently four (4) mobilehome parks within the City, which includes ninety-eight (98) mobilehome spaces, nine (9) recreational vehicle spaces with drains, and four (4) recreational vehicle spaces without drains. Immediately upon assumption of enforcement responsibilities the City will initiate inspection pursuant to the requirements of the Acts. The occupancy and condition of mobilehome parks shall be substantiated upon approval by the HCD to assume responsibility for enforcing the Acts.

§ 9-1.7 Effective Date of Assumption.

The effective date of assumption of enforcement responsibilities shall be within thirty (30) days following adoption of this ordinance and HCD approval.

§ 9-1.8 Method of Enforcement.

Not later than thirty (30) days from the Effective Date of Assumption of Enforcement, as defined in section 9-1.7, the City shall commence and thereafter diligently enforce the Acts as follows:

- a. Review and maintain relevant files provided by HCD and compare same with records on file with the City.
- b. Review pertinent state building standards relevant to mobilehomes, manufactured homes, and special occupancy parks.
- c. Ascertain the status of all permits to operate, construction permits, and enforce relevant requirements.
- d. Investigate and resolve complaints received from occupants, neighbors, other agencies, and all other sources of complaints.
- e. Perform annual mobilehome park maintenance inspections consistent with the Acts as set forth in Health and Safety Code section 18400.1 and its implementing regulations.
- f. Take all other actions as are deemed appropriate in furtherance of state laws and regulations.

§ 9-1.9 Use of State Forms.

When enforcing the Acts, the City shall utilize the following HCD forms:

- a. HCD 500A – Application for Permit to Operate.
- b. HCD 503B – Annual Permit to Operate.
- c. HCD 513B – Manufactured Home or Mobilehome Installation Acceptance.
- d. HCD 513C – Certificate of Occupancy.
- e. HCD 538 – Plot Plan.

§ 9-1.10 Permits to Operate and State Fees.

- a. The City shall bill each of the mobilehome parks within its jurisdiction for the state fees required for the annual permit to operate, and issue said permits upon collection of the state fees.
- b. The City shall send a copy of all permits to operate and state fees collected to the Administrative Office of the Division of Codes and Standards, no later than thirty (30) days after the City's issuance of such permits and receipt of such funds.

§ 9-1.11 Transmittal of Ordinance.

The City Clerk is hereby instructed to transmit two (2) certified copies of this Ordinance to the Director of HCD and to the Administrative Office of the Division of Codes and Standards to P.O. Box 278180, Sacramento, CA 95827-8180, within ten (10) days of the date of adoption which, in any event, shall not be less than thirty (30) days before the Effective Date of Assumption of Enforcement Responsibilities (§ 9-1.7.)

§ 9-1.12 Notice of Assumption of Enforcement.

Upon HCD's approval of the City's assumption of enforcement of the Acts over the mobilehome parks, and no later than two (2) weeks prior to the Effective Date of Assumption of Enforcement Responsibilities (§ 9-1.7), the City shall notify in writing each of the mobilehome parks and special occupancy parks within its jurisdiction of the change in enforcement and that the Building Department is now responsible for enforcement and issuance of permits.

Section 3. This ordinance shall take effect thirty (30) days after its adoption.

Section 4. The City Clerk is authorized and directed to cause this ordinance to be codified after its adoption.

Section 5. The City Clerk is further authorized and directed to cause this ordinance, or a summary of this ordinance, to be published once in a newspaper of general circulation published and circulated in the City of Firebaugh within fifteen (15) days after its adoption. If a summary of this ordinance is published, then the City Clerk also shall cause a summary of the proposed ordinance to be published and a certified copy of the full text of the proposed ordinance to be posted in the Office of the City Clerk at least five (5) days prior to the Council's meeting at which the ordinance is to be adopted and again after the meeting at which the ordinance is adopted. The City Attorney shall approve the summary.

* * *

The foregoing Ordinance No. 21-XX was introduced at a regular meeting of the City Council of the City of Firebaugh on the 1st day of November, 2021, and was passed and adopted at a regular meeting of the City Council on the ____ day of _____, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTEST:

Freddy Valdez, Mayor

Rita Lozano, Deputy City Clerk

RESOLUTION NO. 21-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FIREBAUGH AUTHORIZING USE OF EMERGENCY REMOTE TELECONFERENCING PROVISIONS

WHEREAS, the City Council of the City of Firebaugh ("City Council") is committed to open and transparent government, and full compliance with the Ralph M. Brown Act ("Brown Act"); and

WHEREAS, the Brown Act generally requires that a public agency take certain actions in order to use teleconferencing to attend a public meeting virtually; and

WHEREAS, the City Council recognizes that a local emergency persists due to the worldwide COVID-19 pandemic; and

WHEREAS, the California Legislature has recognized the ongoing state of emergency due to the COVID-19 pandemic and has responded by creating an additional means for public meetings to be held via teleconference (inclusive of internet-based virtual meetings); and

WHEREAS, on September 16, 2021, the California legislature passed Assembly Bill ("AB") 361, which amends Government Code, section 54953 and permits a local agency to use teleconferencing to conduct its meetings in any of the following circumstances: (A) the legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing; (B) the legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or (C) the legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, in order for the City Council to use teleconferencing as allowed by AB 361 after October 1, 2021, it must first adopt findings in a Resolution, allowing the City Council to conduct teleconferenced meetings for a period of thirty (30) days; and

WHEREAS, if the state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference under 361, the City Council shall make findings in a Resolution every thirty (30) days regarding the current state of the emergency.

WHEREAS, Governor Gavin Newsom declared a state of emergency for the State of California due to the COVID-19 pandemic in his order entitled "Proclamation of a State of Emergency," signed March 4, 2020; and

WHEREAS, the California Occupational and Safety Health Administration (CalOSHA) continues to recommend certain social distancing requirements, as described in detail in California Code of Regulations Title 8, section 3205 Covid Prevention; and

WHEREAS, on October 4, 2021, the City Council adopted Resolution No. 21-42 that found that the state and local emergencies have caused and will continue to cause imminent risks to the health or safety of attendees; and

WHEREAS, the City Council is conducting its meetings through the use of telephonic and internet-based services so that members of the public may observe and participate in meetings and offer public comment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Firebaugh as follows:

1. The City Council is conducting meetings during a state of emergency.
2. CalOSHA recommends measures to promote social distancing.
3. The City Council has determined that given the state of emergency, holding in-person only meetings would present imminent risks to the health or safety of members and attendees.
4. The actions taken by the City Council through this Resolution may be applied to all City Boards and committees governed by the Brown Act unless otherwise desired by that Body.
5. The City Council authorizes the City Manager or their designee(s) to take all actions necessary to conduct City Council meetings in accordance with Government Code section 54953(e) and all other applicable provisions of the Brown Act, using teleconferencing for a period of thirty (30) days from the adoption of this Resolution after which the City Council will reconsider the circumstances of the state of emergency.
6. Staff is directed to return no later than thirty (30) days after the adoption of this Resolution with an item for the Council to consider making the findings required by AB 361 in order to continue meeting under its provisions.

The foregoing resolution is effective upon adoption and was approved and adopted at a regular meeting of the City Council of the City of Firebaugh held on the 1st day of November, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Freddy Valdez, Mayor
City of Firebaugh

ATTEST:

Rita Lozano, Deputy City Clerk
City of Firebaugh