

Fortuna City Council
Fortuna Redevelopment Agency
November 20, 2006 6:00 PM

PRESENT

Mayor John Campbell
Mayor Pro Tem Patrick Whitchurch
Councilman Mel Berti
Councilman Doug Strehl

STAFF

City Manager
City Attorney
Executive Assistant to CM
Deputy City Clerk

APPROVAL OF MINUTES

The minutes of November 6, 2006 were considered. Councilman Whitchurch moved, seconded by Councilman Strehl to approve the minutes as submitted. Motion carried.

ORAL COMMENTS FROM THE PUBLIC

Dave Bertz, the owner of Morningstone Statues addressed Council and read a letter to them regarding the history of his inventory on Rohnerville Road. Mr. Bertz then left a copy of the letter with Council and the Deputy City Clerk.

PAYMENT OF BILLS

Councilman/Board Member Berti moved, seconded by Councilman/Board Member Whitchurch to approve the City's bills in the amount of \$229,008.78 and the Redevelopment Agency's bills in the amount of \$1,058.94. Motion carried.

CONSENT CALENDAR

Councilman Whitchurch moved, seconded by Councilman Strehl to approve the Consent Calendar consisting of Monthly Departmental Reports. Motion carried.

BUSINESS

**INTRODUCE AND HOLD FIRST READING OF ORDINANCE 2006-663,
AMENDING CHAPTERS 2.24,2.28,2.32,2.33 AND 17.71 OF THE MUNICIPAL
CODE RELATING TO HISTORICAL COMMISSION, PARKS COMMISSION,
PLANNING COMMISSION AND DESIGN REVIEW BOARD**

Executive Assistant to the City Manager Cheryl Nicholson said it appears each section was haphazardly put together and the proposed changes standardized the format. She said this removes any reference to ex-officio members.

Mayor Campbell opened the meeting to public comment at 6:15 PM. No comments were heard, it was moved, seconded and carried to close the public comment portion of the meeting.

Councilman Whitchurch moved, seconded by Councilman Strehl to introduce and hold the first reading of Ordinance 2006-663 and read it by title only. Mayor Campbell read the title, motion carried by roll call vote.

**CONSIDERATION OF CITY OF FORTUNA MUNICIPAL CHAPTER 5.20
AMBULANCES; FIRST READING OF ORDINANCE 2006-664**

City Manager Rigge indicated this item should be pulled from the agenda and continued to the next Council meeting. No objection was heard.

Councilman Whitchurch noted that the City Attorney's presentation on the Brown Act was tentatively scheduled for 6:30 PM. Council then concurred to change the order of the agenda to accommodate this presentation.

COUNCIL REPORTS AND COMMENTS

Mayor Campbell and Council members reported on their various committees and activities. No action was taken.

CITY MANAGER/EXECUTIVE DIRECTOR'S REPORT

City Manager/Executive Director Duane Rigge reviewed upcoming dates and also noted the Council Chambers will be remodeled immediately after the second meeting in January in preparation for television coverage. No action was taken.

**PRESENTATION BY THE CITY ATTORNEY ON VARIOUS PROVISIONS OF
THE BROWN ACT**

City Attorney Dave Tranberg said the Brown Act is one of the most often amended and litigated pieces of legislation. He then read the Preamble which is section 54950 of the Government Code.

Mr. Tranberg said the Brown Act applies to legislative bodies of local agencies and may also apply to private entities and it regulates conduct at open meetings. He said it prohibits the use of technological devices such as email, voice mail and text messaging. He said the Public Records Act is now being used to obtain public records by email.

Mr. Tranberg said there are three kinds of noticing requirements for a meeting, a 72 hour notice, a 24 hour notice for a special meeting and a one hour notice for an emergency meeting. He said the Brown Act requires you to allow public testimony, and requires that meetings be held in locations accessible to the public. Mr. Tranberg continued by stating there are penalties for violation of the Brown Act.

No action was taken, this was an informational item.

There being no further business, Councilman Whitchurch moved, seconded by Councilman Strehl to adjourn at 7:00 PM to closed session to (1) discuss public employee performance evaluation in accordance with Section 54957 of the Government Code; Title, City Manager and (2) conference with legal counsel in accordance with Section 54956.9 of the Government Code, pending litigation.

The Council adjourned from closed session at approximately 8:00. No action was taken.