



AGENDA NO: C-1

MEETING DATE: September 14, 2021

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Dana Swanson

From: Meredith Bates <[REDACTED]>
Sent: Tuesday, September 14, 2021 8:49 AM
To: Dana Swanson
Subject: Fwd: Appointment to vacant seat

I didn't see my letter in the agenda correspondence. Perhaps I missed something, I sent it in on 9.7.21.

Thanks for checking.

Meredith

----- Forwarded message -----

From: Meredith Bates <[REDACTED]>
Date: Tue, Sep 7, 2021 at 6:37 AM
Subject: Appointment to vacant seat
To: Scott Collins <scollins@morrobayca.gov>, Dana Swanson <dswanson@morrobayca.gov>, John Headding <jheadding@morrobayca.gov>, Jeffrey Heller <jheller@morrobayca.gov>, Laura Barton <laurelbarton559@gmail.com>, Dawn Addis <daddis@morrobayca.gov>

Dear council and staff,

I know there is no one who could possibly take Red's place, however, I believe he would approve of appointing a qualified woman to the position. It might help make up for the historical lack of female council and board positions in MB.

I urge you to consider Jen Ford to fill the vacant seat on Council

Jen has been a good MB neighbor and brought food to seniors who were hesitant to shop due to Covid.

Jen was one of the organizers for the Women's March, she is co owner of an advertising agency with her husband Travis.

While on the PC, she asked important questions pertaining to City plans and she responded promptly to emails. Jen is very attentive to details and would carefully read all staff reports. Jen moved from the Valley and loves MB. She's a mother of two daughters (sometimes this is the greatest experience)

Respectfully,

Meredith Bates, Morro Bay resident

From: [Gail Davis](#)
To: [Council](#)
Subject: Jen Ford
Date: Monday, September 13, 2021 7:45:13 PM

I am sending this endorsement of Jen Ford for the position of intern council person.

Jen is very dedicated and has many great ideas for our city. I am behind her 100% on her short and long term goals for Morro Bay.

Jen has shown a long-term commitment to our city. She has been on several government committees over the years and has shown a significant commitment to community organizations, businesses and businesses our citizens.

Jan would be a wonderful voice of the community on our Morro Bay City Council.

Thank you for considering my endorsement.

Best Regards,

Gail Davis
Sent from my iPhone

Dana Swanson

From: mb mak [REDACTED]
Sent: Sunday, September 12, 2021 11:21 AM
To: John Heading; Jeffrey Heller; Dawn Addis; Laurel Barton
Cc: Scott Collins; Dana Swanson
Subject: Interim City Council seat

Morro Bay City Council,

Please accept this endorsement of Jennifer Ford for Morro Bay City Council. An advocate for Morro Bay, she is a tireless worker with a tremendous ability to tie the needs of our City to the realities of its residents. For some years, she has proven how she values our community through her intense efforts to build and strengthen Morro Bay. For some time, she has involved herself with a number of community projects and organizations, most recently with the Morro Bay Planning Commission. Ms. Ford has been a tireless advocate for both our youngest members of the City, our school children, to our older population and its needs. Given the recent loss to our City of Councilmember Davis, Ms. Ford—given her drive, intellect, and passion for Morro Bay—would add a strong voice to help move our City forward to achieve its current goals.

Sincerely,
Matt Makowetski

Dana Swanson

From: Lynda Merrill <[REDACTED]>
Sent: Monday, September 13, 2021 3:17 PM
To: Dana Swanson
Subject: Fw: Jen Ford as appointment to vacant Council seat.

*Dear Dana,
this is what I sent also, Meredith Bates sent a letter (she copied me)? Thanks. Lynda*

From: [Lynda Merrill](#)
Sent: Monday, August 30, 2021 9:57 AM
To: [Mayor Headding and Council members](#)
Subject: Jen Ford as appointment to vacant Council seat.

Dear Mayor Headding and Council Members,

Re: Appointment to vacant seat on our Council.

I would like to recommend that Jen Ford be appointed and serve as our Councilwoman. I have known Jen for over ten years and have found her very devoted and caring about our City. She has answered my requests to help solving several problems related to the City. She and I gathered information regarding the conditions of our streets in the Northern area of the City and delivered it to the Public Works Department hoping to aid in correcting the problems. I believe it was of value.

She is informed and returned my emails about several projects that helped me understand decisions made on the Planning Commission.

I believe Jen will be responsive to all the citizens. She will be prepared to help with future decisions that need to be made for our City. She does her homework so will be prepared to vote on the important issues. I believe she will carefully considers all the information.

Thank you for considering Jen Ford as your appointment to the vacant seat on our MB City Council.

*Sincerely, Lynda Merrill
35 year resident*

[REDACTED]

From: [Vincent Sherrod](#)
To: [Council](#)
Subject: Red
Date: Sunday, September 12, 2021 7:25:11 PM

Dear Mayor Heading & Council members Addis, Barton & Heller,

I have lived in Morro Bay my whole life, and love this town very much. Red's passing was a tragedy, and i am concerned that someone will need to fill that spot. My choice is Jen Ford, who is a wonderful person and could continue the responsibilities of Red for this town.

Thank you for your time,
Vincent Sherrod

From: [Sherrod, Mike S.](#)
To: [Council](#)
Subject: Filling Red's shoes
Date: Sunday, September 12, 2021 2:39:43 PM

Dear Mayor Headding & Council members Addis, Barton & Heller,

I have lived in Morro Bay since 1991 when my wife & I moved here as newlyweds. We have stayed active in our local politics, volunteer organizations, and we care very deeply for our community.

With the passing of Red, it will take a special person to fill his shoes. Personally, I believe Jen Ford is the perfect person for the Council seat. She has spent several years involved in our community continually demonstrating her dedication to our city.

Keep up the great work and I hope this recommendation helps,

Mike Sherrod

From: [Camille Sherrod](#)
To: [Council](#)
Subject: Filling Red's shoes
Date: Sunday, September 12, 2021 11:55:52 AM

Dear Mayor Heading and Council members Addis, Barton, and Heller,

I have lived in Morro Bay for my whole life (since 2001), and my family has stayed very active in the community's politics.

With the passing of Red, we are concerned about who will take his seat. I believe Jen Ford is the perfect person for the job. She has spent many years involved in our community and always shows up ready for anything. Going to school with her daughters, I have seen how great she balances being a great mother and staying active as a community member.

Thank you,
Camille Sherrod

From: [Susan Stewart](#)
To: [Dana Swanson](#); [Council](#)
Subject: New council member choices
Date: Monday, September 13, 2021 10:06:47 AM

Honorable Mayor and Council Members,

You are fortunate to have two excellent choices to consider for the replacement of Red Davis' council seat. I have had the pleasure of serving with Jen Ford on the Planning Commission, and appreciate her insights, preparation and thoughtful approach to planning issues. And I served with Sean Green on the Vacation Rental subcommittee, where his contributions reflected both experience and a willingness to listen and understand the diversity of perspectives that a controversial subject can engender. Sean has also taken the time to offer his opinions on many of the items that have come before our various boards and commissions.

Both candidates clearly have a commitment to the community, do their research, represent important and divergent points of view and have shown themselves to be willing to take on difficult tasks and make tough decisions and recommendations. They know how to work collaboratively and think creatively. And they each have one of the characteristics that I most value when it comes to policy-making decisions: common sense.

Good luck with your interviews and deliberations!

All the best,

Susan Stewart



AGENDA NO: C-2

MEETING DATE: September 14, 2021

**AGENDA CORRESPONDENCE
AND STAFF PRESENTATION
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

To: Morro Bay City Council and City Manager
Subject: Council meeting 9-14-2021, Agenda Item C-2
Date: September 11, 2021
From: Ron Reisner, Morro Bay resident

I am in full support of Agenda item C-2 Staff recommendations 1., 2., 3., 4., 5.a. and 5.d.

However, to be clear, my support of 5.a. (“Close loopholes in the gun background check system” – a political term) presumes that Staff is referring to the sale of firearms by private sellers, including those that may take place at gun shows, that do not require a federal background check of the buyer. Is that in fact what Staff is referring to? To not provide its specific position, City Staff are not in a position to advocate for 5.a., and the City Council is not in a position to vote on 5.a.

I am not in favor of Staff recommendations 5.b, and 5.c.

Concerning Staff recommendation 5.b., “Ban assault weapons and high-capacity magazines”, what precisely is Staff’s and the City’s definition of “assault weapons” and “high capacity magazines”? To not provide specific definitions, the City is not in a position to advocate for these Staff recommended bans, and the City Council is not in a position to vote on 5.b.

Concerning Staff recommendation 5.c., “Repeal gun manufacturers’ immunity from civil liability” - relative to the issue of guns, Staff once again (refer to agenda item C-2 April 13, 2021 discussion and public comment) has not provided the full story.

In terms of civil immunity, gun manufactures are in fact subject to six exceptions from civil immunity under the 2005 law passed by Congress called the Protection of Lawful Commerce in Arms Act (PLCAA). These exemptions include: 1) actions brought against individuals who “knowingly transfer a firearm, knowing that such firearms will be used to commit a crime of violence” by an individual directly harmed by such unlawful conduct; 2) actions brought against a seller for negligent entrustment or negligence per se; 3) an action in which a manufacturer or seller knowingly violated a state or federal statute applicable to the sale or marketing of their product, and the violation was a proximate cause of the harm for which relief is sought; 4) an action for breach of contract or warranty; 5) an action for death, physical injuries or property damage resulting directly from a defect in design or manufacture of the product; and 6) an action brought by the Attorney General to enforce the Gun Control Act or the National Firearms Act. Why was this information, critical to the agenda item, not included in the agenda item Staff report?

Prior to making its recommendation relative to agenda item 5.c., did Staff consider that making gun manufacturers liable without limitation for the use of their products opens the door to a raft of other commercial liabilities? For instance, national statistics are clear that more people in the U.S. are harmed by knives, blunt objects, alcohol, tobacco products, ladders, etc. than guns.

My point is, item 5.c. requires much more information from Staff, as well as broadly based considerations by Council. As presently written, the content of the Staff report for this item

implies advocacy without due consideration. Council decisions for the good of our community should not be political in nature.

Additionally, I am not in favor of item 5.e. unless first the City makes clear why the existing and robust California “red flag” law, which applies in its entirety to Morro Bay, is inadequate. Additionally, why did the Staff report not make clear the existence of California’s “red flag” law? If it is as simple as Staff recommending to Council that it engage in national advocacy, that is inappropriate advice. As has been previously discussed, the responsibilities of the City Council are the affairs of Morro Bay, the citizenry of Morro Bay, and the business of Morro Bay.

Finally, given that the issues included in this agenda item are public safety, I can only hope Council will depend as much on the input and recommendations of our Police Department as it will on the City Attorney who drafted this Staff report.

LOCAL FIREARM SAFETY AND REGULATION – POTENTIAL ACTION ITEMS



Presented by
Chris F. Neumeyer, City Attorney
September 14, 2021



PREVIOUS FIREARM SAFETY AND REGULATION REPORT TO COUNCIL

At City Council request, an extensive and detailed staff report was presented to City Council on April 13, 2021 concerning local firearm safety and regulation. Main topics covered were:

1. Recent mass shootings and other firearm-related deaths
2. Federal Second Amendment rights as well as State firearm laws (which both act to substantially preempt many areas of local firearm regulation)
3. Current City law and policies concerning firearms and mass shootings

COUNCIL DIRECTION TO BRING BACK POSSIBLE ACTION ITEMS

Council asked for possible action items on:

- 1. Community education on firearms safety and gun violence restraining orders**
- 2. Firearm safe storage local law**
- 3. Firearm “buy-back” program**
- 4. Supplemental MBPD Officer mass/active shooter training**
- 5. Legislative advocacy for firearm safety and regulation**

I. COMMUNITY EDUCATION FIREARM SAFETY & GUN VIOLENCE RESTRAINING ORDERS

Morro Bay Police Department offers to provide:

- 1. in-person training on firearms safety**
- 2. video “firearms educational series” for internet platforms on:**
 - a. firearms safety, and/or**
 - b. gun violence restraining orders, and/or**
 - c. active shooter response**

IN-PERSON TRAINING ON FIREARMS SAFETY PROVIDED BY MBPD

- MBPD has offered to provide biannual in-person training on firearms safety, storage, state laws, and local ordinances.
- Officers on the MBPD Range Team are available to teach courses at the Morro Bay Community Center on firearms safety and awareness classes.
- Estimated annual cost to hold in-person training twice a year is \$4,727
- And, can provided at MB High School as well

FIREARMS EDUCATION SERIES

FIREARM SAFETY

MBPD Chief Cox proposes a video to be available on internet platforms on “Firearm Safety Educational Program” with five parts:

- 1. Basic Introduction to Firearms Safety**
- 2. Introduction to Firearms**
- 3. Firearms and Suicides**
- 4. Firearms - Keeping it Legal**
- 5. Concealed Carry - Legalities and Liabilities**

FIREARMS EDUCATION SERIES
RED FLAG LAWS AND GUN VIOLENCE
RESTRAINING ORDERS

MBPD Chief Cox proposes a video to be available on internet platforms on “Red Flag Laws and Gun Violence Restraining Orders (GVR0)” with following components:

- 1. What is the law?**
- 2. How GVR0s work**
- 3. Links to policy/penal code applications.**

FIREARMS EDUCATION SERIES

ACTIVE SHOOTER RESPONSE

MBPD Chief Cox proposes a video to be available on internet platforms entitled “Active Shooter Response” with following components:

- 1. What our community should know**
- 2. MBPD preparation/training**
- 3. Links to applicable information and statistics on mass/active shooter incidents and police shootings**

COMMUNITY EDUCATION ON FIREARM SAFETY AND GUN VIOLENCE RESTRAINING ORDERS

- Videos accessible to community through City websites and potentially YouTube platform
 - MBPD estimates 74 min. video take approx. 80 hours by MBPD Range Team = \$47,272, and editing approx. 250 hours = \$30,090
 - Total cost 74 minutes of video = \$77,362
 - ***Council could request certain video segments at reduced pro rata cost***
- *MBPD can also conduct in-person training and education on “Active Shooter Response” topic

II. FIREARM SAFE STORAGE LAW

- Council direction to bring back an ordinance for consideration on firearm safe storage ruled constitutional by courts
- San Francisco firearm safe storage law ruled constitutional by U.S. Court of Appeals, Ninth Circuit (*Jackson v. City & Cty. of San Francisco* (2014) 746 F.3d 953.)

II. FIREARM SAFE STORAGE LAW *PROPOSED ORDINANCE*

No person shall keep a firearm within a residence unless the firearm is:

- 1. Stored in a locked container or disabled with a trigger lock; or**
- 2. Carried on the person of the owner, or other lawfully authorized user of the firearm; or**
- 3. Within close enough proximity and control that the owner, or other lawfully authorized user of the firearm, can readily retrieve and use the firearm as if carried on that person.**

II. FIREARM SAFE STORAGE LAW *PROPOSED ORDINANCE*

- San Francisco law ruled constitutional had item 1 (*either* stored in locked container or disabled with trigger lock) and item 2 (*or*, carried on person)
- Proposed ordinance adds item 3 (close enough proximity and control that owner or other lawfully authorized user can retrieve and use firearm as if carried on that person)
- S.F. law had misdemeanor penalty always, proposed law has misdemeanor and infraction

II. FIREARM SAFE STORAGE LAW

- Cities with these laws include L.A., S.F., Santa Cruz, Solana Beach, Sunnyvale, Tiburon, Palm Springs, Oakland and San Diego
- Wide range of opinions on such laws
- MBPD Chief Cox does not support a local firearm safe storage law for Morro Bay: Penal Code 25100 and believes law would not have much of impact on community like Morro Bay
- MBPD Chief Cox recommends *if* adopt law include “item 3” and misdemeanor/infraction

III. ANNUAL FIREARM “BUY-BACK” PROGRAM

MBPD proposes following program:

- \$100 per firearm / 50 firearms = \$5,000
- Firearms either destroyed or refurbished
- Staffing: \$7,375 (5 officers for 10 hours = \$7,125, and 10 hours for intake = \$250)
- Outreach & Advertisement: \$2,500 (print, banners, mail inserts, social media)
- Total estimated cost = \$14,875

III. ANNUAL FIREARM “BUY-BACK” PROGRAM

- Programs are popular in many jurisdictions
- MBPD Chief Cox of opinion the benefits more limited than one may think upon initial review:
 1. Firearms often turned in by non-criminals
 2. Often “no questions asked” so cannot follow up and possible evidence destruction
 3. Often firearms inoperable / from out of area
- MBPD Chief Cox recommends *if* adopt program limit to firearms from City or region, but raises issue of then not anonymous

IV. SUPPLEMENTAL MBPD OFFICER MASS / ACTIVE SHOOTER TRAINING CERTIFIED RESPONSE TRAINING COURSE

Advanced POST Certified Mass/Active Shooter Response Training Course benefits include:

- 1. prepare officers to respond and react to an immediate critical incident**
- 2. increased weapon familiarization and proficiency**
- 3. enhanced marksmanship**
- 4. quicker threat detection and target acquisition resulting in saved lives**
- 5. safer community and reduced liability**



IV. SUPPLEMENTAL MBPD OFFICER MASS / ACTIVE SHOOTER TRAINING *CERTIFIED RESPONSE TRAINING COURSE*

Total cost to send sixteen MBPD officers to an advanced POST Certified Mass/Active Shooter Response training course is estimated to be \$45,808 (or \$2,863 per officer). This includes course costs, lodging, meals/incidentals, travel time/mileage, and training time. This estimate could change depending on location and final cost of training classes.

IV. SUPPLEMENTAL MBPD OFFICER MASS / ACTIVE SHOOTER TRAINING *SUPP. FIREARMS TRAINING / TRAINING AMMO*

- One hour overtime per month for off duty firearms training to hone officer skills for response to a mass/active shooter incident. Total costs for all officers would be approximately \$2,500 monthly (or \$30,000 annually).
- MBPD proposes a substantial potential difference could be made through additional funding of \$2,000 annually for supplemental MBPD training ammunition used specifically for active shooter incident training.

V. LEGISLATIVE ADVOCACY FOR FIREARM SAFETY AND REGULATION

Council could authorize letter to elected federal officials supporting some, or all, of following legislative proposals from President Biden:

1. Close loopholes in gun background checks
2. Federal ban on assault weapons and high-capacity magazines
3. Repeal immunity for firearm manufacturers
4. Invest in community violence interventions
5. Pass national “red flag” law and encourage states to pass own “red flag” laws

RECOMMENDATION

- Consider action on local firearm safety and regulation items and/or provide further direction to staff.
- There are no budget allocations for the proposals. If act on proposal(s), Council advised to direct staff to return at Midyear with budget increases. Funding sources include General Fund or Measure Q&E funds.
- *Please refer to detailed itemization in accompanying staff report for more details.*

QUESTIONS

