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**CITY OF BLUE LAKE**  
CALIFORNIA

111 Greenwood Road  
P.O. Box 458  
Blue Lake, CA 95525

## Blue Lake City Council Agenda

Tuesday, July 6, 2021 ~ 6:30 p.m. ~ Special Council Meeting Via Zoom

***Unless Otherwise Noted, All Items on the Agenda are Subject to Action.***

LOCATION: In accordance with the Governor's Executive Orders N-25-20 and N-29-20, the City Council of the City of Blue Lake Shall Conduct the City Council Meeting by Teleconference via Zoom. Public Input can be given to the Council by emailing [citymanager@bluelake.ca.gov](mailto:citymanager@bluelake.ca.gov) until 4:30 p.m. on Tuesday June 29, 2021.

Public Input will be facilitated by Zoom at the following meeting link:

<https://us02web.zoom.us/j/87623975969?pwd=VlhSdWUxYXcy9xdHFLMWU3ejVOei9KQT09>

Meeting ID: 876 2397 5969

Passcode: 546723

Dial by your location

+1 669 900 6833 US (San Jose)

- 1. Pledge of Allegiance and Establish a Quorum of the Council**
- 2. Approve Agenda**
- 3. Public Comment** – *The Public is invited to present petitions, make announcements, or provide other information to the City Council that is relevant to the scope of authority of the City of Blue Lake that is not on the Agenda. The Council may provide up to 15 minutes for this public input session. To assure that each individual presentation is heard, the Council may uniformly impose time limitations of 3 minutes to each individual presentation. The public will be given the opportunity to address items that are on the agenda at the time the Council takes up each specific agenda item.*
- 4. Draft Resolution Number 1188**-A Resolution in Support of the Wiyot Tribe's Declaration of a State of Emergency on the Baduwat (Mad) River, Hikshari' (Elk) River, Gidughurrallih (Van Duzen) River in response to severe drought conditions.
- 5. City Council Vacancy**—Discussion and Determination Regarding Protocol to Fill City Council Position Vacated by Councilmember Olivia Obidah-Dunn. (Council to determine whether appointment or special election to be utilized to fill vacancy, protocol for appointment process). (Action Item)

**Closed Session (8:00 PM):** Public Employee Performance Evaluation (Government Code § 54957): Title: City Manager (Amanda Mager)

- 6. Council Correspondence**



**7. Reports of Council and Staff**

**8. Future Agenda Items**

**9. Adjourn**

**A request for disability-related modification or accommodation, including auxiliary aid or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting, by contacting City Manager Amanda Mager, 668-5655, at least 24 hours prior to the commencement of the meeting.**





# CITY OF BLUE LAKE

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## AGENDA REPORT

**Item #:** 4

**Date:** June 29, 2021

**Item Subject:** Draft Resolution No. 1188- A Resolution in Support of the Wiyot Tribe's Declaration of a State of Emergency on the Baduwat (Mad) River, Hikshari' (Elk) River, Gidughurrallih (Van Duzen) River in response to severe drought conditions.

**Submitted By:** Mandy Mager, City Manager

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### **General Information:**

The Wiyot Tribe has declared a State of Emergency on the Baduwat (Mad) River, along with the Eel, the Van Duzen and the Elk River, in response to severe drought conditions. The City Council directed the City Manager to prepare a draft resolution supporting the Tribe's declaration.

**Background Material Provided:** Wiyot Tribe Resolution and Draft Resolution

**Fiscal Impact:** N/A

**Recommended Action:** Motion to Adopt Resolution Number 1187

### **Review Information:**

City Manager Review:       Legal Review:       Planner Review:       Engineer:

Comments: Prepared by the City Accountant







**Resolution of the  
Wiyot Tribe**

**RESOLUTION NO:** 21-12

**DATE APPROVED:** June 14, 2021

**SUBJECT: Declaration of a State of Emergency on the Wiya't (Eel) River, Baduwa't (Mad) River, Hikshari' (Elk) River, Gidughurrallih (Van Duzen) River in response to severe drought conditions**

**WHEREAS,** the Wiyot Tribe is a federally recognized Indian Tribe located in California and has a government-to-government relationship with the United States of America; and

**WHEREAS,** Wiyot people have always provided stewardship with the lands, waterways, air, plants, and animals of our ancestral homelands. Our ancestral homelands range from Plhut Gasamuli'm (Little River) in the north to Tsakiyuwit (Bear River Ridge) in the south, from Shou'r (Pacific Ocean) in the west to the first set of Qus (hills/mountains) Berry Summit to the northeast and Chalk Mountain to the south east; and

**WHEREAS,** Waterways in the ancestral lands of Wiyot people include Baduwa't (Mad River), Hikshari' (Elk River), Wiya't (Eel River), and Gidughurrallih (Van Duzen River); and

**WHEREAS,** the Wiyot Tribe shares its name with its ancestral river, Wiya't. One of the culturally significant species inhabiting Wiya't is the gou'daw, (Pacific lamprey *Entosphenus tridentatus*) – commonly called eels, which inspired the river's English name, *Eel River*. The Wiya't watershed is the third largest in California and was once home to abundant runs of valhuk / malhuk (salmon), tswal (steelhead), ba'm (green sturgeon), and gou'daw (Pacific lamprey); and

**WHEREAS,** Numerous impacts, including water diversions, invasive predators, logging, sedimentation, and extreme summer conditions have led to significant ecological and habitat degradation and diminished native fish populations that are critical for the survival of the Wiyot culture and the Wiyot people. Recently, the Tribe has continued its active stewardship and has been a driving force for activities aimed at restoring Pacific lamprey and other native fishes; and

**WHEREAS,** climate change is intensifying the impacts of drought on our communities, Wiya't (Eel River) has been heavily impacted by California's recent historic drought and has experienced a second consecutive year of dry conditions. Illegal water diversions associated with marijuana cultivation



- quality, particularly in smaller tributaries that provide rearing habitat and cold-water flow during the dry summer months; and
- WHEREAS,** below average rainfall and above average temperatures have left unimpaired flows at the lowest on record, presently Wiya't discharge at Scotia, based on 108 years of data, is 12% of the mean. In the fall of 2014, a year when flows were higher than 2021 (300 cfs at Scotia in 2014 versus about 210 this year), the lower Eel River ran dry near Fortuna, immediately above the reach where the tides affect the river's height, impeding the Chinook malhuk (salmon) run and causing fish death from disease associated with high water temperatures; and
- WHEREAS,** according to a statement by our sister tribe Blue Lake Rancheria water quality sampling done along the Baduwa't (Mad River) show a presence of toxins in the water that are hazardous and potentially life-threatening to pets and small children; and
- WHEREAS,** Hikshari' (Elk) river is known as the most critically impaired Humboldt Bay tributary for sediment and in recent news, this is now supplemented by the new evidence that Eureka's sewage plant has been contributing effluent to the lower river for many years. As Jerry Martien with Friends of the Elk River noted, "it's hard to dispute that there's enough mud there to choke a river, with the result being further aggradation and extreme low flows—as we're seeing this summer" and
- WHEREAS,** Friends of the Van Dozen River reports Gidughurralih (Van Duzen River) is seeing lower flows (20% of the average) in the main stem and tributaries that are more indicative to later summer and early fall. June flows are now more like August/September flows and will have a negative impact on wildlife and recreation as the summer progresses. Blue Green Algae blooms have been detected at Pamplin Grove, Highway 36 at the William Dinsmore Bridge, we usually see dozens of steelhead, but on this June 2021 year, we found only 3. In a very unusual observation, many underwater algal blooms are more prevalent than at any previous time. Hely Creek no longer provides a viable connection to the Van River and no longer supports an active salmon run; and
- WHEREAS,** these rivers are culturally significant and considered the bloodline to the Wiyot people; and
- WHEREAS,** Wiya't brought nourishment, medicine, spirituality, sustenance, and cultural knowledge to the Wiyot people. Wiya't is where we derive our name of "Wiyot;" and
- WHEREAS,** Present day, Wiyot people risk their health and safety when choosing to eat the fish or eels out of Wiya't because of hazardous algal blooms and diseased animals. The health of the Wiya't is intrinsically tied to the health of the people. The survival of the people rely on the health of Wiya't; and
- WHEREAS,** we know through oral histories about Wiya't that salmon were so abundant that one could "walk across the backs" of the salmon to cross the river. Elders have told us that they would go fishing and eeling and come home with more than enough food for their families and to share with other Wiyot families who needed subsistence. This



evidence shows that Wiya't was once a thriving river that nourished not only Wiyot people but early Euro-American settlers; and

**WHEREAS,** in the 1900s, Wiya't held the largest salmon population and provided salmon for the rest of the U.S. The quick decline in salmon populations in the late 1800s/early 1900s was due to overfishing, the timber industry, and man-made problems, such as Scotts and Cape Horn Dam. The overfishing of salmon, steelhead, and eels and the damming of Wiya't have caused mass destruction of the Wiya't ecosystem and cultural lifeways of the Wiyot people; and

**WHEREAS,** we have an opportunity to restore the health of Wiya't by practicing stewardship and promoting practices that promote ecosystem health rather than destroy it. We have an opportunity to allow water to flow in Wiya't to restore historic steelhead, salmon, and eel runs; and

**WHEREAS,** existing conditions as put forth in this statement warrant the proclamation of emergency; and

**NOW THEREFORE BE IT IS HEREBY PROCLAIMED** that an emergency now exists throughout Wiyot Ancestral lands, we believe that federal and state agencies should be engaged with preparations for this crisis and begin taking appropriate actions for the probability of a dangerous situation being created in the local rivers; and **IT IS HEREBY PROCLAIMED AND ORDERED** that said emergency shall be deemed to continue to exist until its termination is proclaimed by the Wiyot Tribal Council.


### C-E-R-T-I-F-I-C-A-T-I-O-N

This is to certify that Resolution #21-12 was approved by telephone of the Wiyot Tribe Tribal Council on Monday, June 14, 2021, at which a quorum was present and that this Resolution was adopted by a vote of 6 HIH, 0 KIYOWL, 0 Abstentions. This Resolution has not been rescinded or amended in anyway.



**Ted Hernandez,**  
Chair

ATTEST:



**Marnie Atkins,**  
Secretary





**RESOLUTION NO. 1188**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLUE LAKE IN SUPPORT OF THE WIYOT TRIBE'S DECLARATION OF A STATE OF EMERGENCY ON THE BADUWA'T (MAD) RIVER, WIYA'T (EEL) RIVER, HIKSHARI' (ELK) RIVER, GIDUGHURRALILH (VAN DUZEN) RIVER IN RESPONSE TO SEVERE DROUGHT CONDITIONS AND AFFIRMING THE CITY OF BLUE LAKE'S CONNECTION TO THE BADUWAT (MAD) RIVER AS AN INTRINSIC PART OF THE CITY'S COMMUNITY CULTURE, ENVIRONMENTAL LIFEWAY AND ECONOMIC FOUNDATION.**

**WHEREAS**, On June 14, 2021, the Wiyot Tribe, a federally recognized Tribe, adopted Resolution Number 21-12 declaring a state of emergency on the Baduwa't (Mad) River, the Wiya't (Eel) River, the Hikshari (Elk) River and the Gidughurrallilh (Van Duzen) River in response to severe drought conditions; and

**WHEREAS**, the City of Blue Lake is located within the ancestral lands of the Wiyot people; and

**WHEREAS**, portions of the Baduwa't River traverse through the community of Blue Lake; and

**WHEREAS**, the City of Blue Lake recognizes the deep cultural, spiritual and environmental connectedness between the Wiyot people and the Baduwa't River; and

**WHEREAS**, the City of Blue Lake supports the efforts of the Wiyot Tribe to exercise their cultural rights and their continued efforts to restore the Baduwa't River to a healthy and sustainable state; and

**WHEREAS**, the City of Blue Lake has established itself as a partner and advocate to, and for, the Wiyot Tribe, and is working on various levels to build cultural awareness, integration and collaborative partnerships in the community; and

**WHEREAS**, the City of Blue Lake, and the community it serves, are deeply connected to the Baduwa't River; and

**WHEREAS**, the Baduwa't River provides immeasurable environmental value to the community of Blue Lake and the Baduwa't River watershed; and

**WHEREAS**, the Baduwa't River provides drinking water to the City of Blue Lake and other local municipal water customers; and

**WHEREAS**, the City of Blue Lake relies on the Baduwa't River as a source of recreation activities and economy; and;

**WHEREAS**, the City of Blue Lake relies on our recreation economy to support jobs, municipal revenue and industry; and

**WHEREAS**, the impacts to the Baduwa't from severe and prolonged drought conditions due to climate change, water diversions, invasive species and sedimentation are having immediate effects on the health of the watershed; and

**WHEREAS**, the Baduwa't is already experiencing levels of toxic blue-green algac; and

**WHEREAS**, the City of Blue Lake supports the efforts of the Wiyot Tribe and the various resource agencies and municipalities to continue to advocate for resources, policy changes, and restoration actions to combat current conditions and prevent future impacts; and

**NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND** by the Blue Lake City Council of the City of Blue Lake, State of California, that the Baduwa't River, is in a state of distress and that the City of Blue Lake fully supports the Wiyot Tribe's Declaration of a State of Emergency and urges immediate action and intervention at the Local, Federal and State levels to deploy emergency resources to respond to this on-going disaster.

PASSED AND ADOPTED by the City Council of the City of Blue Lake, State of California this 6th day of July 2021, by the following vote:

Ayes:

Nays:

Abstention:

Absent:

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Adelene Jones-Mayor

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City Clerk





# CITY OF BLUE LAKE

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## AGENDA REPORT

**Item #:** 5  
**Date:** June 29, 2021  
**Item Subject:** City Council Vacancy Discussion and Determination Regarding Protocol to Fill the City Council Position  
**Submitted By:** Mandy Mager, City Manager

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### **General Information:**

On June 25, 2021, the City Council received a formal resignation letter from Councilmember Olivia Obidah-Dunn; due to Councilmember Obidah-Dunn's inability to find adequate housing in Blue Lake she made the decision to relocate to Arcata.

City legal counsel has prepared a memo outlining the options and process for filling the vacancy and the memo is attached as part of the agenda item.

**Background Material Provided:** Memo from Ryan Plotz, City Attorney

**Fiscal Impact:** N/A

**Recommended Action:** Action/Direction as Discussion Directs

### **Review Information:**

City Manager Review:       Legal Review:       Planner Review:       Engineer:

Comments: Prepared by the City Accountant







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\*\* Provisionally Licensed

July 1, 2021

### Attorney-Client Privileged Communication

TO: Amanda Mager  
FROM: Ryan Plotz  
CLIENT: City of Blue Lake  
RE: Process to fill vacated Councilmember Seat

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#### I. BACKGROUND/ISSUE

Councilmember Olivia Obidah-Dunn resigned her seat effective June 25, 2021. Her term was set to expire in 2024.

You have asked for the process to fill the vacated Council seat.

#### II. SHORT ANSWER

Within 60-days from the date of the resignation, the Council must either appoint a person to the position or call a special election to fill the vacancy.

The Council should, in this case, prioritize making an appointment to avoid the need to hold a special election. This is important because the special election could not be held on November 2, 2021, which is the General Election, but would need to be held on the next regularly established election day following the General Election (March 8, 2022).

Staff should advertise the vacancy and provide a deadline for submission of statements of interest from interested persons. The Council should then conduct interviews and vote on the appointment in open session.

### **III. DISCUSSION**

Where a vacancy occurs on a city council, the council shall, within 60 days of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. (Gov. Code, § 36512(b).) If the vacancy occurs in the first half of a term, and more than 130 days from the next general municipal election date, the appointed person serves only until the date of the next general municipal election (here, in November), at which time the seat is filled by election. (Gov. Code, § 36512(b)(2)(A).)

If the council calls a special election, the special election must be held on the next regularly established election date not less than 114 days from the call of the special election. (Gov. Code, § 36512(b)(1).) “Regularly established election” dates are set forth in Elections Code section 1000, and, as applicable here, include the November 2, 2021 and March 8, 2022. In order to have the special election coincide with the November General Election, the Council would need to forgo the appointment process and call a special election on or before July 10, 2021, to meet the 114-day advance notice requirement. If the council calls the special election after July 11, 2021, the special election could not be held until March 8, 2022. In that event, the City may be required to cover the cost and expense of the special election if the County is not already conducting an election on that day.

If the new councilmember is appointed, he or she would only serve until the November, 2021 election since the vacancy occurred during the first half of the term and at least 130 days prior to the next municipal election.

If the councilmember is elected through a special election, he or she would serve the remainder of the vacated term.





# CITY OF BLUE LAKE

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## AGENDA REPORT

**Item #:** 6  
**Date:** June 29, 2021  
**Item Subject:** Closed Session-Public Employee Performance Evaluation (Government Code § 54957); Title: City Manager (Amanda Mager)  
**Submitted By:** Mandy Mager, City Manager

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### **General Information:**

The Council has requested a closed session at 8:00 PM to conduct the yearly evaluation for the City Manager.

**Background Material Provided:** N/A

**Fiscal Impact:** N/A

**Recommended Action:** Action/Direction as Discussion Directs

### **Review Information:**

City Manager Review:       Legal Review:       Planner Review:       Engineer:

Comments: Prepared by the City Accountant

