

(707) 668-5655

Fax: (707) 668-5916

www.bluelake.ca.gov



CITY OF BLUE LAKE

CALIFORNIA

111 Greenwood Road

P.O. Box 458

Blue Lake, CA 95525

Blue Lake City Council Agenda

Tuesday, December 13, 2022 ~ 6:30 p.m. ~Special Council Meeting

Skinner Store Building-111 Greenwood Road, Blue Lake-Behind City Hall

Zoom Option: The Public May Participate in Person, or Via Zoom at the Link Below:

Join Zoom Meeting:

<https://us02web.zoom.us/j/84322659965?pwd=Y2R1cFpLK2NaOCtDUTNUdTjXcnFOQT09>

Meeting ID: 843 2265 9965

Passcode: 362780

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

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. **Council Resignation:** Accept Resignation of Councilmember Alice Finen and Elect to Appoint or Call Special Election Pursuant to California Government Code Section 36512-Action
5. **Resolution Number 1206:** A Resolution of the City Council of the City of Blue Lake Declaring the Results of a Municipal Election Held November 8, 2022-Action
6. **Oath of Office and Pledge of Civility for Newly Elected Council Members**
7. **Election of Mayor and Mayor Pro Tem**-Action
8. **Resolution Number 1207-** A Resolution of the City Council of the City of Blue Lake to Commend and Thank Elaine Hogan for Her Contribution and Service While Serving on the Blue Lake City Council
9. **Resolution Number 1208-** A Resolution of the City Council of the City of Blue Lake to Commend and Thank Chris Curran for His Contribution and Service While Serving on the Blue Lake City Council
10. **Resolution Number 1209-** A Resolution of the City Council of the City of Blue Lake to Commend and Thank Benjamin McCreath for His Contribution and Service While Serving on the Blue Lake City Council
11. **Public Hearing:** Amendment of Section 17.16.111 (Opportunity or O Zone) of the Municipal Code for the following purposes: 1) To allow emergency shelters as a principally permitted use type without discretionary review and subject to objective standards addressing onsite management and security, a limitation on the maximum number of beds, and the distance required between shelters.

This use type would allow housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person; and 2) Revision of some of the stated purposes of the zone for internal consistency purposes-Hearing

12. **Arts and Heritage Commission Application Review and Appointment Consideration-Discussion/Action**
13. **Maddy Act Notice:** Council Commission Openings and Maddy Act Listing-Discussion/Direction
14. **Council Committee Assignments:** Designate Council Representatives for Various Council Assignments-Action
15. **Discussion Regarding City of Blue Lake Water & Wastewater Rate Proposal-Discussion**
16. **Council Training-Discussion/Direction**
17. **Consent Agenda:**
 - a. Warrants and Disbursements
 - b. Council Meeting Minutes:
 1. October 18,2022 Draft Minutes
 2. October 25, 2022 Draft Minutes
18. **Council Correspondence:**
 - a. Letter from Jean Lynch
19. **Reports of Council and Staff**
 - a. City Manager Report
20. **Future Agenda Items**
21. **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: December 13, 2022
Item Subject: Council Resignation
Submitted By: Mandy Mager, City Manager

General Information:

Councilmember Alice Finen has submitted a letter of resignation, effective December 13, 2022; Alice has been elected to a two-year term as part of the general election held on November 8, 2022.

The Council has the option of appointing a qualified resident to serve her term, or can call for a special election to elect a qualified resident. If the Council chooses to appoint a qualified resident, they must do so within 60 days of the date of resignation.

In the past, the City Council has chosen to make an appointment to a resigned seat; the usual process includes advertising the position and appointing at the next available Council meeting. Council may also consider the results of the recent election; there were three qualified residents that ran for two open seats; Council may want to consider appointing the third place candidate to fulfill the resigned position.

Background Material Provided: Resignation Letter

Fiscal Impact: N/A

Recommended Action: As Discussion Directs.

Review Information:

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

Comments:



Re: Resignation Letter for Alice Finen

1 message

Alice Finen <afinen@bluelake.ca.gov>

To: Amanda Mager <citymanager@bluelake.ca.gov>

Fri, Dec 9, 2022 at 12:59 PM

I would like to add Mandy, that it has been an honor and privilege to serve on the council. I sincerely enjoyed being a part of the civic process for the town of Blue Lake. Since I joined the council my husband took a job where he is living for the majority of time away from home, I have had to take a more active role in my other two jobs and now have an increase in other family duties.

I LOVE this town, the people who live here and will still help out with what I can when volunteers are needed.

I feel so sad to leave the council but know it is what is best for my family and I currently.

Again, thank you for the opportunity to serve.

~Alice

On Mon, Dec 5, 2022 at 2:51 PM Amanda Mager <citymanager@bluelake.ca.gov> wrote:

Thank you Alice!

On Mon, Dec 5, 2022 at 2:38 PM Alice Finen <afinen@bluelake.ca.gov> wrote:

Dear Amanda and Blue Lake City Council Members,

After much thought and consideration I am declining the two year term of city councilor for Blue Lake.

I am giving my official resignation as of December 13, 2022.

Alice Finen

City Council Member

City of Blue Lake

P.O. Box 458/111 Greenwood Rd.

Blue Lake, CA 95525-0458

City Hall 707.668.5655

--

Mandy Mager-City Manager

City of Blue Lake

111 Greenwood Road|PO Box 458

707-668-5655 (P)|707-668-5916(F)



CITY OF BLUE LAKE

Post Office Box 458, 111 Greenwood Road, Blue Lake, CA 95525
Phone 707.668.5655 Fax 707.668.5916

AGENDA REPORT

Item #: 5
Date: December 13, 2022
Item Subject: Resolution Number 1206- A Resolution of the City Council of the City of Blue Lake Declaring the Results of a Municipal Election Held November 8, 2022
Submitted By: Mandy Mager, City Manager

General Information:

The County of Humboldt Elections and Voter Registration Office has certified the November 8, 2022, Blue Lake Municipal Election and has issued a Final Canvass, which is attached to the proposed resolution as Exhibit A.

The three candidates running for two available **full term** seats received the following number of votes:

CANDIDATE	VOTES
Christopher Edgar	248
Elise G. Scafani	335
Elizabeth MacKay	332

The two candidates running for two available **two-year partial term** seats received the following number of votes:

CANDIDATE	VOTES
Angela Shull	375
Alice Finen	362

Additionally, with respect to Measure R, the vote totals are as follows:

MEASURE R	VOTES IN FAVOR	VOTES AGAINST
	308	238

Background Material Provided: *Resolution No. 1206, A Resolution of The City Council of The City Of Blue Lake Declaring The Results Of A Municipal Election Held November 8, 2022*

RESOLUTION NO. 1206

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLUE LAKE DECLARING THE RESULTS OF A MUNICIPAL ELECTION HELD NOVEMBER 8, 2022

WHEREAS, a general Municipal Election was held in the City of Blue Lake on Tuesday, November 8, 2022; and

WHEREAS, notice of said election was published, election officers appointed, supplies furnished and that in all respects the election was held and conducted, and the votes thereof received and canvassed and the returns thereof made and declared in the time, form and manner as required by the General Laws of the State of California governing election for general law cities and charter cities where the charter is silent on elections; and

WHEREAS, the County Elections Department canvassed the returns of the election and has certified the results to this City Council, the results were received by the City Clerk, attached and made a part hereof as “Exhibit A”.

NOW, THEREFORE, the City Council of the City of Blue Lake does resolve, declare, determine and order as follows:

SECTION 1. That the whole number of ballots cast in the City was 562.

SECTION 2. That the names of the persons voted for at the election for Member of City Council and the Measure voted for at the election are as follows:

- Christopher Edgar
- Elise G. Scafani
- Elizabeth MacKay
- Angela Shull
- Alice Finen
- Measure R

SECTION 3. That the number of votes given in the City to each of the persons above named for the respective office for which the persons were candidates and the votes for and against Measure R are listed in “*Exhibit A*” attached.

SECTION 4. The City Council does declare and determine as follows:

- a. Christopher Edgar was not elected as a Member of the City Council;
- b. Elise G. Scafani was elected as Member of the City Council for the full term of four years;
- c. Elizabeth MacKay was elected as Member of the City Council for the full term of four years;
- d. Angela Shull was elected as Member of the City Council for the partial term of two years;
- e. Alice Finen was elected as Member of the City Council for the partial term of two years;

f. More than 50% of the qualified electors of the City voted in favor of Measure R.

SECTION 5. The City Clerk shall enter on the records of the City Council of the City of Blue Lake, a statement of the result of the election (Exhibit A), showing: (1) The whole number of ballots cast in the City; (2) The names of the persons voted for; (3) For what office each person was voted for; (5) The total number of votes given for each person; (6) the total number of votes for and against Measure R.

SECTION 6. That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED on December 13, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Adelene Jones, Mayor

ATTEST:

Amanda Mager, City Clerk

CERTIFICATE

I, Amanda Mager, City Clerk of the City of Blue Lake, do hereby certify that **Resolution No. 1206** was **PASSED AND ADOPTED** at a regular meeting of the Blue Lake City Council held the ____th day of December 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Blue Lake, California, on this 13th day of December 2022.

Amanda Mager, City Clerk
City of Blue Lake

Exhibit A

November 8, 2022
General Election Canvass

COPY



COUNTY OF HUMBOLDT
Office of Elections & Voter Registration

2426 6th Street
Eureka, CA 95501-0788
707-445-7481
Fax 707-445-7204

RECEIVED

DEC 08 2022

December 7, 2022

City of Blue Lake
Attn: April Sousa - City Clerk
PO Box 458
Blue Lake, CA 95525

Re: Statewide General Election – November 8, 2022
Certification Results

Enclosed please find a copy of the County of Humboldt's Certificate of Results of Canvass for the Statewide General Election held on November 8, 2022 for the following:

- Citycouncilmember
- Measure R Blue Lake Tax

Please feel free to contact our office with questions.

Regards,

Christina Strevey
Administrative Analyst
Humboldt_elections@co.humboldt.ca.us
707-445-7481

Enclosures

**General Election 2022
Cumulative**

Humboldt County 2022 General Election

Run Time 8:33 AM
Run Date 12/06/2022

Humboldt County

STATEWIDE GENERAL ELECTION

11/8/2022

Official Results

Registered Voters
48741 of 84792 = 57.48%

Precincts Reporting
120 of 120 = 100.00%

BLUE LAKE CITY COUNCILMEMBER - Vote for TWO (2)

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
1	1	100.00%	562	850	66.12%

Choice	Party	Election Day		Vote by mail		Early Voting		Total	
CHRISTOPHER EDGAR		37	28.68%	211	26.84%	0	0.00%	248	27.10%
ELISE G. SCAFANI		48	37.21%	287	36.51%	0	0.00%	335	36.61%
ELIZABETH MACKAY		44	34.11%	288	36.64%	0	0.00%	332	36.28%
Cast Votes:		129	100.00%	786	100.00%	0	0.00%	915	100.00%
Undervotes:		24		165		0		189	
Overvotes:		0		1		0		1	
Unqualified Write-ins:		1		17		0		18	

BLUE LAKE CITY COUNCILMEMBER 2-YR - Vote for TWO (2)

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
1	1	100.00%	562	850	66.12%

Choice	Party	Election Day		Vote by mail		Early Voting		Total	
ANGELA SHULL		53	50.00%	322	51.03%	0	0.00%	375	50.88%
ALICE FINEN		53	50.00%	309	48.97%	0	0.00%	362	49.12%
Cast Votes:		106	100.00%	631	100.00%	0	0.00%	737	100.00%
Undervotes:		48		314		0		362	
Overvotes:		0		1		0		1	
Unqualified Write-ins:		0		23		0		23	

Measure R - Blue Lake Tax

Precincts			Voters		
Counted	Total	Percent	Ballots	Registered	Percent
1	1	100.00%	562	850	66.12%

Choice	Party	Election Day		Vote by mail		Early Voting		Total	
Yes		40	54.05%	268	56.78%	0	0.00%	308	56.41%
No		34	45.95%	204	43.22%	0	0.00%	238	43.59%
Cast Votes:		74	100.00%	472	100.00%	0	0.00%	546	100.00%
Undervotes:		3		13		0		16	
Overvotes:		0		0		0		0	
Unqualified Write-ins:		0		0		0		0	

Certificate of Election

State of California }
County of Humboldt }

I, Kelly E. Sanders, Registrar of Voters in and for the County of Humboldt in the State of California, do hereby certify that at a general election held in and for said county on **November 8, 2022**, **ELISE G. SCAFANI** was elected to the office **BLUE LAKE CITY COUNCILMEMBER** for the County of Humboldt as appears by the official returns of said election and the statement of votes cast now on file.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal this 6th day of December, 2022.



Kelly E. Sanders
Kelly E. Sanders

Certificate of Election

State of California }
County of Humboldt

I, Kelly E. Sanders, Registrar of Voters in and for the County of Humboldt in the State of California, do hereby certify that at a general election held in and for said county on **November 8, 2022**, **ELIZABETH MACKAY** was elected to the office of **BLUE LAKE COUNCILMEMBER** for the County of Humboldt as appears by the official returns of said election and the statement of votes cast now on file.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal this 6th day of December, 2022.



Kelly E. Sanders
Kelly E. Sanders

Certificate of Election

State of California }
County of Humboldt }

I, Kelly E. Sanders, Registrar of Voters in and for the County of Humboldt in the State of California, do hereby certify that at a general election held in and for said county on **November 8, 2022**, **ANGELA SHULL** was elected to the office of **BLUE LAKE COUNCILMEMBER** for the County of Humboldt as appears by the official returns of said election and the statement of votes cast now on file.

IN WITNESS WHEREOF, I have hereunto affixed
my hand and seal this 6th day of December, 2022.



Kelly E. Sanders
Kelly E. Sanders

Certificate of Election

State of California }
County of Humboldt

I, Kelly E. Sanders, Registrar of Voters in and for the County of Humboldt in the State of California, do hereby certify that at a general election held in and for said county on **November 8, 2022**, **ALICE FINEN** was elected to the office of **BLUE LAKE COUNCILMEMBER** for the County of Humboldt as appears by the official returns of said election and the statement of votes cast now on file.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal this 6th day of December, 2022.

Kelly E. Sanders
Kelly E. Sanders



**Certificate of Results of Canvass
November 8, 2022
Statewide General Election
Measure R Blue Lake Tax**

STATE OF CALIFORNIA }
 }
COUNTY OF HUMBOLDT } SS

I, Kelly E. Sanders, Registrar of Voters of the County of Humboldt, do hereby certify that pursuant to the provisions of Section 15301 et al., of the California Elections Code, I did canvass the return of votes cast in the November 8, 2022, Statewide General Election, and that the Statement of Votes Cast to which this Certification is attached shows the total number of votes cast and the total number of votes cast for each candidate and/or measure in each respective precinct therein and that the totals for each candidate and/or measure are true and correct.

WITNESS MY HAND AND OFFICIAL SEAL this 6th Day of December, 2022.

KELLY E. SANDERS
REGISTRAR OF VOTERS

Signed: *Kelly E. Sanders*





CITY OF BLUE LAKE

Post Office Box 458, 111 Greenwood Road, Blue Lake, CA 95525
Phone 707.668.5655 Fax 707.668.5916

AGENDA REPORT

Item #: 6
Date: December 13, 2022
Item Subject: Oath of Office and Pledge of Civility
Submitted By: Mandy Mager, City Manager

General Information:

The City Clerk will swear in new Councilmembers and read the Pledge of Civility.

Background Material Provided: Oath of Office and Pledge of Civility

Fiscal Impact: N/A

Recommended Action: Swear in new Councilmembers and issue the Pledge of Civility for signature.

Review Information:

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

Comments:

City of Blue Lake

Oath of Office

STATE OF CALIFORNIA, }
County of Humboldt } ss.

I, _____, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

Signature

Subscribed and sworn to before me, this ____ day of _____, 2022.

City Clerk, City of Blue Lake





City of Blue Lake

PLEDGE OF CIVILITY

The manner in which we govern ourselves is often as important as the positions we take. The Council's collective decisions will be better – and truer to our mission – when differing views have the opportunity to be fully vetted and considered.

All those who appear before the Council have the right to be treated with respect, courtesy, and openness. We value input.

Accordingly, we commit to conduct ourselves with civility and courtesy, to both those with whom the Council interacts and to each other. We also pledge to endeavor to correct ourselves, should our conduct fall below this standard.

City Council Member
City of Blue Lake

Date



CITY OF BLUE LAKE

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AGENDA REPORT

Item #: 7
Date: December 13, 2022
Item Subject: Elect Mayor and Mayor Pro Tem
Submitted By: Mandy Mager, City Manager

General Information:

The City Council shall elect a Mayor and a Mayor Pro Tem to serve a two year term.

Background Material Provided: N/A

Fiscal Impact: N/A

Recommended Action: Designate a Mayor and Mayor Pro Tem

Review Information:

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

Comments:



CITY OF BLUE LAKE

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Blue Lake, CA 95525
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AGENDA REPORT

Item #: 8

Date: December 13, 2022

Item Subject: **Resolution Number 1207-** A Resolution of the City Council of the City of Blue Lake to Commend and Thank Elaine Hogan for Her Contribution and Service While Serving on the Blue Lake City Council

Submitted By: Mandy Mager, City Manager

General Information:

City Councilmember Elaine Hogan has served on the City Council for four years; during her tenure, she has represented the interests of the City, and the community, with dignity and professional integrity.

Her contributions to the City are far reaching and this resolution is an acknowledgment of her contributions.

Background Material Provided: Draft Resolution

Fiscal Impact: N/A

Recommended Action: Adopt Resolution Number 1207

Review Information:

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

Comments:

RESOLUTION NO. 1207

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLUE LAKE TO
COMMEND AND THANK ELAINE HOGAN FOR HER CONTRIBUTION AND
SERVICE WHILE SERVING ON THE BLUE LAKE CITY COUNCIL**

WHEREAS, Elaine Hogan has served as a Blue Lake City Council member for four years, and;

WHEREAS, Elaine Hogan has served as the City of Blue Lake's representative on various boards and commissions, including Humboldt Waste Management Authority and the League of California Cities, and;

WHEREAS, Elaine Hogan has served as Mayor Pro Tem, and has dedicated countless hours to the furtherance of the City's economic future and the betterment of the City's social and environmental landscape, and;

WHEREAS, the City Council, on behalf of itself and the residents of the City of Blue Lake, wish to thank Elaine Hogan for her service and contribution as a City Council member.

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

On behalf of the City Council and the residents of the City of Blue Lake, the City Council does hereby acknowledge with many thanks, and commend with great appreciation, the dedicated service rendered to the City of Blue Lake by Elaine Hogan during her service as a Blue Lake City Council member.

INTRODUCED, PASSED AND ADOPTED this 13th day of December 2022, by the following vote:

Ayes:

Nays:

Absent:

Abstain:

Attest:

Amanda Mager, City Clerk

Adelene Jones, Mayor



CITY OF BLUE LAKE

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AGENDA REPORT

Item #: 9

Date: December 13, 2022

Item Subject: **Resolution Number 1208-** A Resolution of the City Council of the City of Blue Lake to Commend and Thank Chris Curran for His Contribution and Service While Serving on the Blue Lake City Council

Submitted By: Mandy Mager, City Manager

General Information:

City Councilmember Chris Curran has served on the City Council for four years; during his tenure, he has represented the interests of the City, and the community, with dignity and professional integrity.

His contributions to the City are far reaching and this resolution is an acknowledgment of his contributions.

Background Material Provided: Draft Resolution

Fiscal Impact: N/A

Recommended Action: Adopt Resolution Number 1208

Review Information:

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

Comments:

RESOLUTION NO. 1208

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLUE LAKE TO
COMMEND AND THANK CHRIS CURRAN FOR HIS CONTRIBUTION AND
SERVICE WHILE SERVING ON THE BLUE LAKE CITY COUNCIL**

WHEREAS, Chris Curran has served as a Blue Lake City Council member for four years, and;

WHEREAS, Chris Curran has served as the City of Blue Lake's representative on various boards and commissions, including Redwood Coast Energy Authority and the Redwood Regional Economic Development Corporation and;

WHEREAS, the City Council, on behalf of itself and the residents of the City of Blue Lake, wish to thank Chris Curran for his service and contribution as a City Council member.

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

On behalf of the City Council and the residents of the City of Blue Lake, the City Council does hereby acknowledge with many thanks, and commend with great appreciation, the dedicated service rendered to the City of Blue Lake by Chris Curran during his service as a Blue Lake City Council member.

INTRODUCED, PASSED AND ADOPTED this 13th day of December 2022, by the following vote:

Ayes:

Nays:

Absent:

Abstain:

Attest:

Amanda Mager, City Clerk

Adelene Jones, Mayor



CITY OF BLUE LAKE

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AGENDA REPORT

Item #: 10

Date: December 13, 2022

Item Subject: **Resolution Number 1209-** A Resolution of the City Council of the City of Blue Lake to Commend and Thank Benjamin McCreath for His Contribution and Service While Serving on the Blue Lake City Council

Submitted By: Mandy Mager, City Manager

General Information:

City Councilmember Benjamin McCreath was appointed to the City Council to fill a council vacancy; during his tenure Councilmember McCreath has fulfilled his duties consistently and has represented the best interests of the City and the community.

This resolution is an acknowledgment of his contributions and a thank you for his willingness to fill the position.

Background Material Provided: Draft Resolution

Fiscal Impact: N/A

Recommended Action: Adopt Resolution Number 1209

Review Information:

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

Comments:

RESOLUTION NO. 1209

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLUE LAKE TO
COMMEND AND THANK BENJAMIN MCCREATH FOR HIS CONTRIBUTION AND
SERVICE WHILE SERVING ON THE BLUE LAKE CITY COUNCIL**

WHEREAS, Benjamin McCreath was appointed to fill a Council vacancy on March 22, 2022;

WHEREAS, Benjamin McCreath, during this appointment, has dedicated his time to the furtherance of various City initiatives and economic pursuits, and;

WHEREAS, the City Council, on behalf of itself and the residents of the City of Blue Lake, wish to thank Benjamin McCreath for his service and contribution as a City Council member.

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

On behalf of the City Council and the residents of the City of Blue Lake, the City Council does hereby acknowledge with many thanks, and commend with great appreciation, the dedicated service rendered to the City of Blue Lake by Benjamin McCreath during his service as a Blue Lake City Council member.

INTRODUCED, PASSED AND ADOPTED this 13th day of December 2022, by the following vote:

Ayes:

Nays:

Absent:

Abstain:

Attest:

Amanda Mager, City Clerk

Adelene Jones, Mayor



CITY OF BLUE LAKE

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Phone 707.668.5655

Blue Lake, CA 95525
Fax 707.668.5916

AGENDA REPORT

Item #: 11

Date: December 13, 2022

Item Subject: **Public Hearing-**Amendment of Section 17.16.111 (Opportunity or O Zone) of the Municipal Code for the following purposes: 1) To allow emergency shelters as a principally permitted use type without discretionary review and subject to objective standards addressing onsite management and security, a limitation on the maximum number of beds, and the distance required between shelters. This use type would allow housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person; and 2) Revision of some of the stated purposes of the zone for internal consistency purposes-Hearing

Submitted By: Garry Rees, City Planner

General Information:

See Attached Staff Report

Background Material Provided: Staff Report

Fiscal Impact: N/A

Recommended Action: Conduct the Public Hearing

Review Information:

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

Comments:



CITY OF BLUE LAKE

Post Office Box 458, 111 Greenwood Road, Blue Lake, CA 95525
Phone 707.668.5655 Fax 707.668.5916

DATE: December 5, 2022

FROM: Garry Rees, City Planner

TO: Blue Lake City Council

RE: Amendment of Section 17.16.111 (Opportunity or O Zone) of Title 17 (Zoning) of the Blue Lake Municipal Code

As previously discussed with the City Council, City staff is in the process of updating the General Plan Housing Element for the 6th cycle planning period (2019-2017). As part of this process, City staff submitted the draft Housing Element Update to the California Department of Housing and Community Development (HCD) at the end of May for a 90-day review period. On August 29, 2022, the City received a letter from HCD with comments on the Draft Update. One of the comments from HCD states that, prior to the Housing Element Update being considered for certification, the City must amend the Zoning Code to allow emergency shelters by right in a zone in the City. To address this requirement, the Planning Commission adopted a recommendation to the City Council on October 17, 2022 that proposes to amend the Opportunity (O) zone to allow emergency shelters. The Planning Commission recommendation also proposes revision of some of the stated purposes of the O zone for internal consistency purposes. Below is a discussion of the requirements for emergency shelters and the Planning Commission recommendation for amendment of the O zone.

Emergency Shelters

Emergency shelters are defined by HCD as “*Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.*” Every jurisdiction must identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit (Government Code Section 65583.(a)(4)). The identified zone or zones must include sufficient capacity to accommodate the need for emergency shelters as identified in the Housing Element, and each jurisdiction must identify a zone or zones to accommodate at least one year-round shelter. Adequate sites can include sites with existing buildings that can be converted to emergency shelters to accommodate the need for emergency shelters.

Shelters may be subject only to development and management standards that apply to residential or commercial development in the same zone. A local government may apply written and objective standards that include all of the following:

- Maximum number of beds.
- Off-street parking based upon demonstrated need.
- Size and location of onsite waiting and intake areas.
- Provision of onsite management.
- Proximity to other shelters.
- Length of stay.
- Lighting.
- Security during hours when the shelter is open.

In the Draft Housing Element Update, it identifies the Mixed-Use (MU), Opportunity (O), or Planned Development Residential (PDR) zoning districts as potential locations for the development of emergency shelters. Since the properties in the MU and O zones are located in the Downtown and Powers Creek Districts, these areas are considered more suitable for emergency shelters due to their proximity to services and transit, and the limited environmental constraints on the available sites. Due to the limited availability of vacant land and lack of suitable vacant buildings in the Downtown area, the Planning Commission is recommending that the O zone be amended to allow emergency shelters since there are several vacant sites in the City with this zoning.

Proposed Amendments to Opportunity (O) Zone

Attached to this staff report is Resolution No. 3-2022, which contains the findings for the Planning Commission’s recommendation to the City Council for amendment of the O zone to allow emergency shelters (see **Attachment 1**). Exhibit “A” to the resolution contains the Planning Commission recommended text amendments to the O zone.

As shown in Exhibit “A”, the Planning Commission is recommending that the O zone be amended to include emergency shelters as a principally permitted use under Section 17.16.111.B.8. Additionally, the Planning Commission is recommending that emergency shelters be subject to the following objective standards:

- The shelters shall have onsite management and security shall be provided during hours when the shelter is open.
- Each shelter shall be limited to a maximum of 15 beds. The maximum number of beds is based on data for Blue Lake from the 2019 Unsheltered Point-in-Time (PIT) count conducted by the Humboldt Housing and Homeless Coalition. This PIT count identified 14 unsheltered persons in the greater Blue Lake area.
<https://humboldt.gov/DocumentCenter/View/71341/20190220---HHHC-News-Release---Point-in-Time-Count-2019>
 The PIT count from 2022 was not used because it lumped McKinleyville and Blue Lake together (total 32 unsheltered persons identified for both communities). Additionally, PIT counts were not conducted in 2020 and 2021.
<https://humboldt.gov/DocumentCenter/View/107776/20220621---HHHC-Point-in-Time-Count-2022>
- There shall be a minimum separation of 300 feet between emergency shelters, which is the maximum separation allowed under State law.

The Planning Commission is also recommending that the discussion of Site Plan Approval requirements in Section 17.16.111.D.11 be amended to clearly state that no discretionary permit (such as Site Plan Approval) shall be required for emergency shelters.

Lastly, the Planning Commission is recommending that some of the stated purposes of the O zone be amended for internal consistency purposes. The stated purpose in Section 17.16.111.A.2 is not consistent with the development standards of the O zone, which allow up to 65 percent of the floor area of a structure to be developed with residential units. The zone is intended to allow for a compatible and beneficial mixture of commercial, manufacturing, and residential uses. Although the development standards of the zone prohibit residential-only development, they do not necessarily treat residential dwellings as a secondary use to commercial and manufacturing uses. To ensure the stated purposes of the O zone are consistent with the development standards, the Planning Commission is recommending that Sections 17.16.111.A.2 and 17.16.111.A.3 be amended to state the following:

2. This zone is ~~primarily intended for commercial and manufacturing uses with residential dwellings as a secondary use to~~ **promote encourage** a live-work type environment. ~~As a secondary use, residential dwellings shall be located above or behind the primary commercial or manufacturing uses.~~
3. This zone encourages craft-type manufacturing businesses ~~with~~ **and** retail commercial spaces on the ground floor **of structures and with** multi-family residential development ~~units on the upper floors~~ **located above or behind the commercial or manufacturing uses.**

Ordinance 542

This item is scheduled for hearing at the December 13, 2022 City Council meeting for the Council to introduce and conduct the first reading, by title only, of Ordinance 542 (see **Attachment 2**), an Ordinance of the City Council of the City of Blue Lake Amending Section 17.16.111 (Opportunity or O Zone) of Title 17 (Zoning) of the Blue Lake Municipal Code.

RECOMMENDATION:

Staff recommends that the City Council:

- 1) Receive a report from staff about Ordinance 542.
- 2) Open the public hearing and take public testimony.
- 3) Close the public hearing.
- 4) Introduce and perform the first reading of Ordinance 542 by title only.
- 5) Continue the public hearing to the December 27, 2022 City Council meeting for the second reading and adoption of Ordinance 542.

ATTACHMENT 1

Planning Commission Resolution No. 3-2022

RESOLUTION NO. 3-2022

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BLUE LAKE
RECOMMENDING AMENDMENT OF SECTION 17.16.111 (OPPORTUNITY OR O
ZONE) OF TITLE 17 (ZONING) OF THE BLUE LAKE MUNICIPAL CODE**

WHEREAS, the Blue Lake Planning Commission has before it for consideration the project defined as amendment of the following Section of Title 17 (Zoning) of the Blue Lake Municipal Code, to wit:

- A. Amendment of Section 17.16.111, Opportunity or O Zone, as set forth in Exhibit “A”, attached hereto and made a part hereof; and,

WHEREAS, after due notice of hearing, a public hearing was held at the regular meeting of the Blue Lake Planning Commission on October 17, 2022, to consider said project;

NOW, THEREFORE, be it resolved by the Planning Commission of the City of Blue Lake as follows:

1. The Planning Commission finds that the project is categorically exempt from CEQA pursuant to Section 15305 of the CEQA Guidelines allowing for minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

2. The Planning Commission finds that the proposed Zoning Code amendment is consistent with the existing applicable general and specific plans.

3. Pursuant to Government Code Section 65855 the Planning Commission hereby recommends to the City Council that the following Section of Title 17 (Zoning) of the Blue Lake Municipal Code be amended as follows:

- A. Section 17.16.111, Opportunity or O Zone, be amended to read as set forth in Exhibit “A”, attached hereto and made a part hereof.

4. The reasons for this recommendation are set forth in the staff reports and minutes of September 19th, 2022 and October 17th, 2022 (Public Hearing), copies of which shall be transmitted to the Blue Lake City Council.

5. The Secretary of the Planning Commission is authorized and directed to transmit this resolution to the City Council of the City of Blue Lake.

INTRODUCED, PASSED, AND ADOPTED this 17th day of October 2022, by the following vote:

RESOLUTION NO. 3-2022

AYES: Eddy, Chapman, Pryor, Schang, Platz

NAYS: 0

ABSENT: 0

ABSTAIN: 0


Chairman, Planning Commission,
City of Blue Lake

ATTEST:

Secretary, Planning Commission

Exhibit "A"
To Resolution 3-2022

17.16.111 Opportunity or O Zone.

A. Purpose

1. The Opportunity Zone or O Zone is intended to allow for the compatible and beneficial mixture of commercial, manufacturing, and residential uses in a single structure or on a single or multiple sites in a manner consistent with the City's General Plan Goals and Policies.
2. This zone is ~~primarily intended for commercial and manufacturing uses with residential dwellings as a secondary use to promote~~ **encourage** a live-work type environment. ~~As a secondary use, residential dwellings shall be located above or behind the primary commercial or manufacturing uses.~~
3. This zone encourages craft-type manufacturing businesses with **and** retail commercial spaces on the ground floor **of structures** and **with** ~~multi-family residential development~~ **units** ~~on the upper floors~~ **located above or behind the commercial or manufacturing uses.**
4. This zone is designed to achieve a convenient business and residential environment in areas where multiple activities and an increased degree of pedestrian orientation and open space are considered to be desirable.
5. New structures and additions to existing structures shall be required to meet specific design standards.
6. Land uses in this zone shall be required to meet specific performance standards.

B. Principal Permitted Uses.

1. Light Manufacturing and Processing. This use type allows craft and art manufacturing businesses which manufacture items from wood, ceramics, fabric, metals or glass; food and beverage processing and bottling; and light to moderate manufacturing of products such as household goods, clothing, recreational goods, electrical products, furniture, architectural products, and automotive goods. This use type can include other light manufacturing and processing uses not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.
2. Distribution and Associated Warehousing. This use type allows nurseries and greenhouses (non-cannabis), distribution warehouses for consumer

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products, and indoor and outdoor storage facilities. This use type can include other distribution and associated warehousing uses not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.

3. **Commercial Services.** This use type allows a variety of commercial services of both a light and heavy commercial character. Light commercial uses means stores, agencies, and services such as food markets, bakery shops, restaurants, bars, art galleries, book stores, clothing stores, pharmacies, beauty and barber shops, hardware and appliance stores, laundry facilities (excluding dry cleaning), florists, tailor shops, enclosed theaters, and music venues. Heavy commercial uses mean equipment rental, repair of engines or appliances, furniture repair shops, contractor shops and yards (including carpentry, electrical, plumbing, painting, printing, publishing, lithograph shops and other artistic endeavors). This use type can include other commercial services not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.
4. **Professional Offices and Services.** This use type allows administrative and research activities; radio and television broadcasting stations and offices; medical, dental and related services; and professional consulting, real estate and financial services. It also allows personal service shops, such as banks, grooming services, visitor service facilities or businesses of a similar nature. This use type can include other professional offices and services not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.
5. **Recreation and Education.** This use type allows trails and outdoor recreational uses (e.g. sports fields, sports complex, outdoor performance venues, etc.), public and commercial recreational facilities and schools and training programs in the areas of arts, crafts and light manufacturing. It can include RV/camping facilities, performance or art studios, theaters, or other venues for public assembly. This use type can include other recreation and education uses not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.
6. **Public Works Facilities.** This use includes a City corporation yard and includes but is not limited to public works improvements, storage of materials, temporary holding of animals, and maintenance and repair of City equipment and vehicles.

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7. Four or Fewer Residential Dwellings Units. This use type allows up to four residential units per parcel at a maximum density of 1 unit per 2,500 square feet of lot area. Such residential units can include, but are not limited to, studios, condominiums, townhouses, and apartments. To be principally permitted, the residential units shall not be located on the ground floor of a structure and shall not exceed 35 percent of the floor area of a structure. For the purposes of the Opportunity (O) Zone, a residential dwelling unit is defined as having two or more bedrooms. One-bedroom units are allowed at a density of 1 per 1,250 square feet of lot area, or a total of 8 one-bedroom units per parcel as a principally permitted use.

8. Emergency Shelters. This use type allows housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. The shelters shall have onsite management and security shall be provided during hours when the shelter is open. Each shelter shall be limited to a maximum of 15 beds. There shall be a separation of 300 feet between emergency shelters.

C. Uses Permitted with a Use Permit.

1. Five or More Residential Dwelling Units. This use type allows five or more residential units per parcel at a maximum density of 1 unit per 2,500 square feet of lot area. Such dwellings can include, but are not limited to, studios, condominiums, townhouses, and apartments. With a use permit, the residential units shall not exceed 65 percent of the floor area of a structure. With a use permit, the residential units may also be located on the ground floor of a structure, but shall not front directly on the street or other non-vehicular access corridor (e.g. pedestrian/bicycle trails) and shall not exceed 50% of the floor area of the ground floor. For the purposes of the Opportunity Zone, a residential unit is defined as having two or more bedrooms. One-bedroom units are allowed at a density of 1 per 1,250 square feet of lot area. This use type allows nine or more one-bedroom units per parcel.

2. Other Uses. Listed uses that are not specifically principally permitted in the O Zone or not determined by the City Planner to be consistent with other principally permitted uses in the O Zone. This includes any other use which, in the opinion of the Planning Commission, is consistent with the intent of the zone, and will not constitute a nuisance or be detrimental to the district or surrounding land uses.

3. Exception to Development Standards. Projects that do not meet all the requirements in subsection D (Other Regulations), but, due to specific

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project design and amenities, conform to the purpose and intent of this section. As part of the review for this application type, additional technical studies may be required at the discretion of City staff to address potential impacts of the proposed exceptions. This could include, but is not limited to, preparation of a visual impact assessment, shadow analysis, biological report, lighting study, and noise study. Any technical studies required shall be prepared by a qualified professional as determined by City staff.

D. Other Regulations.

Specific site development guidelines have been prepared based on the design intent for the Opportunity (O) Zone. The objective of the guidelines is to help integrate buildings and other improvements with the topography and landscape to create a unified environment which is harmonious with the adjacent visual panorama.

1. Minimum lot area: 15,000 square feet.
2. Building coverage shall not exceed 70% of lot area.
3. Building height limit:
 - a. North of Taylor Way: Building height limits for properties north of Taylor Way are allowed to increase with distance from the trail that runs parallel to Powers Creek, as prescribed below.
 - i. Not exceeding 25 feet vertical within 50 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek.
 - ii. Not exceeding 35 feet vertical from 50-100 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek.
 - iii. Not exceeding 45 feet vertical beyond 100 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek.
 - b. South of Taylor Way: Not exceeding 45 feet vertical.
4. Setbacks:
 - a. No building or parking or storage area shall be constructed within 50 feet horizontal of the centerline of the main branch of Powers Creek or its tributaries (e.g., South Fork Powers Creek). The zone

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thus created, 50 feet horizontal from the centerline of Powers Creek outward, shall be preserved primarily as an area of riparian vegetation. Trails, art installations, interpretive signs, lighting, benches, picnic areas, and habitat enhancement projects are allowable within this setback area.

- b. North of Taylor Way: For properties west of Monda Way and for parcel 025-201-018, no building or parking or storage area shall be constructed within 25 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek. This area is intended to be reserved for open space and other amenities such as landscaping, art, and benches.

For properties east of Monda Way, excluding parcel 025-201-018, no building or parking or storage area shall be constructed within 10 feet horizontal of the property line that runs parallel to Powers Creek or its tributaries.

- c. South of Taylor Way: Buildings that exceed 25 feet vertical shall be required to be located a minimum of 25 feet horizontal from any public right-of-way.
 - d. No building or parking or storage area shall be constructed within 50 feet horizontal of the boundary of the Blue Lake Rancheria. The zone thus created, 50 feet horizontal from the boundary of the Blue Lake Rancheria, shall be preserved as an undeveloped area of open space or riparian vegetation.
- 5. Manufacturing uses in this zone are required to be located on the ground floor of a structure.
 - 6. Residential uses in this zone are required to be situated and designed to minimize impacts from adjacent heavy commercial and industrial uses.
 - 7. Parking and loading areas:
 - a. Sufficient onsite parking, as prescribed in Sections 17.24.100 and 17.24.230, shall be provided for employees, visitors and company vehicles.
 - b. The City Planner may waive off-street parking otherwise required if sufficient parking is proposed to be provided at a common off-site parking area. This shall not apply to accessible off-street parking spaces required by the American with Disabilities Act (ADA) or California Building Code.

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- c. Off-street loading as prescribed in Section 17.24.110.
8. Utilities:
- a. All site improvements shall be designed to accommodate underground utilities and shall be required to convert to such as they become available. Utilities shall include, but are not limited to, drainage systems, sanitary sewers, gas, water, power, cable and telephone.
 - b. Within each site, utility lines may be located above ground if they are incorporated and concealed within buildings, trellises, or special architectural features.
 - c. Temporary overhead power and telephone lines will be permitted during construction, but are to be removed upon completion of construction.
9. Landscaping: A landscaping plan will be required for each site showing the locations, names, and initial sizes of plant materials, irrigation plan and groundcover materials. Ongoing maintenance and replacement (when needed) is a requirement of all uses within the O Zone. The City Planner will review each landscaping plan for approval. Landscape requirements are defined in Section 17.24.240. Where possible, required landscaping areas may also serve as areas for infiltration of stormwater runoff, subject to review and approval by the City Engineer. Landscaping shall be maintained to comply with the requirements of the Solar Shade Protection Act (Public Resources Code § 25980 – 25986).
10. Open Space: Common usable open space shall be required for all residential development. There shall be one hundred (100) square feet of common usable open space required for each bedroom. Usable open space may consist of outdoor area on the ground, in required setbacks or on any balcony, deck, porch, or rooftop which is designed and accessible for outdoor living, recreation, and pedestrian access complying with the following provisions:
- a. Required parking areas and their driveways and required minimum landscaping areas shall not be included in computing usable open space.
 - b. Areas included in computing common usable open space shall be accessible to all units in common and no such required space shall be less than three hundred (300) square feet in area and shall have no dimension less than fifteen (15) feet. Rooftops gardens and rooftop landscaping may be used to satisfy this requirement. No

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more than 50% of the required usable open space area shall be hardscape (e.g. concrete, asphalt, etc.), except in the case of private open space provided on the upper floors of a structure as allowed under subsection g.

- c. Each element of usable open space shall be completely open on at least one (1) side and shall have a clear vertical height of not less than seven (7) feet, and not less than fifty (50) percent of the total required usable open space shall be unobstructed to the sky.
 - d. Usable open space shall be improved to support passive or active use by residents. The computation of such open space shall include no obstructions other than devices and structures designed to enhance its usability, such as art, planters, benches, fountains, and landscaping.
 - e. Usable open space shall be situated and designed to minimize impacts from adjacent heavy commercial and industrial uses.
 - f. Where possible, pervious areas set aside as usable open space may also serve as areas for infiltration of stormwater runoff, subject to review and approval by the City Engineer.
 - g. Private usable open space may be substituted for common usable open space at a ratio three (3) square feet of private open space for every two (2) square feet of common open space required, provided such element of open space either has an area of at least one hundred fifty (150) square feet, with no dimension less than ten (10) feet, if located at ground level, or an area of at least fifty (50) square feet, with no dimension less than six (6) feet, if located above ground level.
 - h. The City Planner may waive the requirement to provide usable open space on-site if sufficient usable open space is proposed to be provided at a common off-site area.
11. Site Plan Approval, as prescribed in Section 17.24.250, is required for new development, exterior additions to existing development, and the permanent or temporary placement and use of large stationary equipment outdoors. **Pursuant to Government Code Section 65583(a)(4), emergency shelters must be allowed as a permitted use without discretionary review such as Site Plan Approval.** The Planning Commission may develop additional guidelines in written form that provides direction for meeting criteria listed in Section 17.24.250.

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E. Performance Standards.

Projects must be designed and operated to comply with the following performance standards to minimize potential impacts during long-term operation. Special studies (e.g. noise studies, lighting plans, etc.), as determined by the City Planner, may be required to be submitted during processing of planning or building permit applications to provide evidence that compliance can be achieved prior to consideration of the project by the Planning Commission or issuance of building permits.

1. Toxic Substances. Any use which involves processes that will result in toxic substances or pollutants escaping (by air or water) from the site shall comply with all applicable Local, State and Federal regulations and shall require a use permit from the Planning Commission. Medical wastes are to be disposed of according to all applicable regulations. All processes shall comply with the applicable Local, State and Federal laws regarding airborne and waterborne emissions.
2. Signs. Any signs that will be used on-site, as well as signs on buildings, must be approved by the City Planner before they are posted. Free-standing signs shall be limited to 50 square feet in size and the top thereof shall not be higher than 10 feet above the ground. Signs shall be consistent with the general sign motif established for the Opportunity (O) Zone.
3. Lighting/Glare. Outdoor lighting shall be approved by the Planning Commission through the Site Plan Approval process as specified in Section 17.24.250. All outdoor lighting shall be designed to meet the following requirements:
 - a. All lighting fixtures shall comply with the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light ("dark sky compliant"). This includes, but is not limited to, requirements for acceptable fixture types and maximum color temperature.
 - b. All lighting fixtures shall be the minimum lumens required for safety and security.
 - c. All lighting fixtures shall be shielded and directed downward to minimize lighting shining on adjacent properties or natural areas. Shielded shall mean that the light rays are directed onto the site, and the light source (e.g., bulb, tube, etc.) is not visible beyond the property boundary of the site of the light source.

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- d. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness.
- e. Stand-alone light fixtures shall be limited to a maximum of 20 feet vertical.
- f. No lighting shall produce an illumination level greater than one-foot candle beyond the property boundary of the site of the light source.

Building materials or other site improvements that cause glare to nearby properties are prohibited.

- 4. Noise. No use, activity, or process shall generate noise in excess of the noise level standards in Section 17.24.280(C)(3). New uses that are estimated to exceed the noise level standards in Section 17.24.280(C)(3), shall be required to incorporate noise mitigation measures into the project design to ensure compliance. Existing uses that are determined to exceed the noise level standards in Section 17.24.280(C)(3), shall be required to implement effective noise mitigation measures to achieve compliance.
- 5. Dust. Any use that results in dust escaping from the site is required to mitigate to reduce the dust. Refer to North Coast Unified Air Quality Management District regulations for current limitations and requirements.
- 6. Sewage. Sewage disposal shall require on-site improvements (interceptor tanks, grease traps, etc.) for those uses that are determined by the Public Works Director to generate wastes that may cause a difficulty to the treatment system.
- 7. Odors. No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the zoning district.
- 8. Storage, Service and Loading Areas.
 - a. Storage, service and loading areas shall be recessed or screened with fences, walls, berms, or plantings to reduce their visibility from adjacent streets or properties.
 - b. Materials, equipment, supplies, trash containers, inoperable vehicles, etc. shall be stored within an enclosed building or behind visual barriers such as fences, walls, berms, or plantings.
- 9. No use shall be permitted which does not comply with State and Federal laws.

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F. Zoning Map Designation.

The Zoning Map designation for the O Zone shall be "O".

ATTACHMENT 2

Ordinance 542

ORDINANCE NO. 542

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLUE LAKE
AMENDING SECTION 17.16.111 (OPPORTUNITY OR O ZONE) OF TITLE 17
(ZONING) OF THE BLUE LAKE MUNICIPAL CODE**

WHEREAS, pursuant to its broad police powers, the City Council of the City of Blue Lake is authorized to adopt reasonable regulations governing the use of real property within the City of Blue Lake;

WHEREAS, pursuant to Section 17.28.010 of Title 17 of the Blue Lake Municipal Code, the City Council has the authority to amend the Zoning Code of the City of Blue Lake to, among other things, adopt reasonable land use regulations within such zones;

WHEREAS, pursuant to timely notice as required by to Section 17.28.010 of the Blue Lake Municipal Code, the Planning Commission of the City of Blue Lake held a public hearing on October 17, 2022 to study and make recommendations to the City Council on the proposed amendments contained herein, at which hearing members of the public were invited to provide input;

WHEREAS, pursuant to Resolution No. 3-2022, adopted by the Planning Commission on October 17, 2022, the Planning Commission submitted its written recommendations to the City Council on the proposed amendments contained herein;

WHEREAS, pursuant to Section 17.28.010(J) of the Blue Lake Municipal Code, the City Council held a public hearing on December 13, 2022, to consider approving, modifying or disapproving the recommendation of the Planning Commission;

WHEREAS, the City Council has approved, with minor modification previously considered by the Planning Commission, the recommendations of the Planning Commission, as hereinafter set forth;

WHEREAS, the City Council has considered the staff report, supporting documents, public testimony, Planning Commission Resolution No. 3-2022, and all appropriate information that has been submitted with this Ordinance; and

WHEREAS, the City Council finds that the regulations set forth below are consistent with the General Plan of the City of Blue Lake and are reasonable.

NOW THEREFORE, the City Council of the City of Blue Lake does ordain as follows:

Section 1. Code Amendment. Section 17.16.111 of Title 17 of the Blue Lake Municipal Code is hereby amended as set forth in Exhibit "1" to this Ordinance as if set forth in full herein. All deletions to Section 17.16.111 are shown as strike out text and all additions to Section 17.16.111 are shown in bold, underlined text. Without modifying the substance, following approval of this Ordinance, the City Clerk shall cause the amendments adopted herein to be

consistent in form and style with the Blue Lake Municipal Code.

Section 2. Findings. The City Council hereby finds as follows:

A. The above recitals are each incorporated by reference and adopted as findings by the City Council.

B. The proposed amendments to Section 17.16.111 of Title 17 of the Blue Lake Municipal Code, as set forth in Section 1 are consistent with the General and Specific Plans of the City of Blue Lake, in that the additional land use authorized by the proposed amendments are compatible with the objectives, policies, general land uses, and programs specified in the general plan.

C. The additional land use proposed in the Opportunity Zone (i.e., emergency shelters) is consistent and compatible with those uses currently existing or allowed and/or are further limited by the existing development standards and performance standards in the zone and by the proposed objective standards specific to emergency shelters.

D. The public necessity, convenience and general welfare requires, and is best promoted by, the adoption of the zone amendment set forth in Section 1, above.

Section 3. CEQA. The City has reviewed the Ordinance for compliance with the California Environmental Quality Act (CEQA) and has determined that the Ordinance is Categorical Exempt pursuant to Section 15305 of the CEQA Guidelines allowing minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density.

Section 4. Severability. If any subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a 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 and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

Section 5. Effective Date. The effective date of this Ordinance is thirty (30) days after its adoption by the City Council.

INTRODUCED AND FIRST READING PERFORMED on the 13th day of December, 2022 by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

ATTEST:

Mayor

SECOND READING PERFORMED AND ADOPTED on the 27th day of December, 2022, at a regular meeting of the City Council, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Mayor

EXHIBIT "1"

17.16.111 Opportunity or O Zone.

A. Purpose

1. The Opportunity Zone or O Zone is intended to allow for the compatible and beneficial mixture of commercial, manufacturing, and residential uses in a single structure or on a single or multiple sites in a manner consistent with the City's General Plan Goals and Policies.
2. This zone is ~~primarily intended for commercial and manufacturing uses with residential dwellings as a secondary use to promote~~ **encourage** a live-work type environment. ~~As a secondary use, residential dwellings shall be located above or behind the primary commercial or manufacturing uses.~~
3. This zone encourages craft-type manufacturing businesses with **and** retail commercial spaces on the ground floor **of structures and with** multi-family residential development **units on the upper floors located above or behind commercial or manufacturing spaces.**
4. This zone is designed to achieve a convenient business and residential environment in areas where multiple activities and an increased degree of pedestrian orientation and open space are considered to be desirable.
5. New structures and additions to existing structures shall be required to meet specific design standards.
6. Land uses in this zone shall be required to meet specific performance standards.

B. Principal Permitted Uses.

1. Light Manufacturing and Processing. This use type allows craft and art manufacturing businesses which manufacture items from wood, ceramics, fabric, metals or glass; food and beverage processing and bottling; and light to moderate manufacturing of products such as household goods, clothing, recreational goods, electrical products, furniture, architectural products, and automotive goods. This use type can include other light manufacturing and processing uses not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.

2. Distribution and Associated Warehousing. This use type allows nurseries and greenhouses (non-cannabis), distribution warehouses for consumer products, and indoor and outdoor storage facilities. This use type can include other distribution and associated warehousing uses not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.
3. Commercial Services. This use type allows a variety of commercial services of both a light and heavy commercial character. Light commercial uses means stores, agencies, and services such as food markets, bakery shops, restaurants, bars, art galleries, book stores, clothing stores, pharmacies, beauty and barber shops, hardware and appliance stores, laundry facilities (excluding dry cleaning), florists, tailor shops, enclosed theaters, and music venues. Heavy commercial uses mean equipment rental, repair of engines or appliances, furniture repair shops, contractor shops and yards (including carpentry, electrical, plumbing, painting, printing, publishing, lithograph shops and other artistic endeavors). This use type can include other commercial services not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.
4. Professional Offices and Services. This use type allows administrative and research activities; radio and television broadcasting stations and offices; medical, dental and related services; and professional consulting, real estate and financial services. It also allows personal service shops, such as banks, grooming services, visitor service facilities or businesses of a similar nature. This use type can include other professional offices and services not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.
5. Recreation and Education. This use type allows trails and outdoor recreational uses (e.g. sports fields, sports complex, outdoor performance venues, etc.), public and commercial recreational facilities and schools and training programs in the areas of arts, crafts and light manufacturing. It can include RV/camping facilities, performance or art studios, theaters, or other venues for public assembly. This use type can include other recreation and education uses not described above which in the opinion of the City Planner are of the same general character, are consistent with the purpose and intent of this section, and will not be obnoxious or detrimental to the O Zone.
6. Public Works Facilities. This use includes a City corporation yard and includes but is not limited to public works improvements, storage of materials, temporary holding of animals, and maintenance and repair of City equipment and vehicles.

7. Four or Fewer Residential Dwellings Units. This use type allows up to four residential units per parcel at a maximum density of 1 unit per 2,500 square feet of lot area. Such residential units can include, but are not limited to, studios, condominiums, townhouses, and apartments. To be principally permitted, the residential units shall not be located on the ground floor of a structure and shall not exceed 35 percent of the floor area of a structure. For the purposes of the Opportunity (O) Zone, a residential dwelling unit is defined as having two or more bedrooms. One-bedroom units are allowed at a density of 1 per 1,250 square feet of lot area, or a total of 8 one-bedroom units per parcel as a principally permitted use.

8. Emergency Shelters. This use type allows housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. The shelters shall have onsite management and security shall be provided during hours when the shelter is open. Each shelter shall be limited to a maximum of 15 beds. There shall be a separation of 300 feet between emergency shelters.

C. Uses Permitted with a Use Permit.

1. Five or More Residential Dwelling Units. This use type allows five or more residential units per parcel at a maximum density of 1 unit per 2,500 square feet of lot area. Such dwellings can include, but are not limited to, studios, condominiums, townhouses, and apartments. With a use permit, the residential units shall not exceed 65 percent of the floor area of a structure. With a use permit, the residential units may also be located on the ground floor of a structure, but shall not front directly on the street or other non-vehicular access corridor (e.g. pedestrian/bicycle trails) and shall not exceed 50% of the floor area of the ground floor. For the purposes of the Opportunity Zone, a residential unit is defined as having two or more bedrooms. One-bedroom units are allowed at a density of 1 per 1,250 square feet of lot area. This use type allows nine or more one-bedroom units per parcel.

2. Other Uses. Listed uses that are not specifically principally permitted in the O Zone or not determined by the City Planner to be consistent with other principally permitted uses in the O Zone. This includes any other use which, in the opinion of the Planning Commission, is consistent with the intent of the zone, and will not constitute a nuisance or be detrimental to the district or surrounding land uses.

3. Exception to Development Standards. Projects that do not meet all the requirements in subsection D (Other Regulations), but, due to specific project design and amenities, conform to the purpose and intent of this section. As part of the review for this application type, additional technical studies may be required at the discretion of City staff to address potential impacts of the proposed exceptions. This could include, but is not limited to, preparation of a visual impact assessment, shadow analysis, biological report, lighting study, and noise

study. Any technical studies required shall be prepared by a qualified professional as determined by City staff.

D. Other Regulations.

Specific site development guidelines have been prepared based on the design intent for the Opportunity (O) Zone. The objective of the guidelines is to help integrate buildings and other improvements with the topography and landscape to create a unified environment which is harmonious with the adjacent visual panorama.

1. Minimum lot area: 15,000 square feet.
2. Building coverage shall not exceed 70% of lot area.
3. Building height limit:
 - a. North of Taylor Way: Building height limits for properties north of Taylor Way are allowed to increase with distance from the trail that runs parallel to Powers Creek, as prescribed below.
 - i. Not exceeding 25 feet vertical within 50 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek.
 - ii. Not exceeding 35 feet vertical from 50-100 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek.
 - iii. Not exceeding 45 feet vertical beyond 100 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek.
 - b. South of Taylor Way: Not exceeding 45 feet vertical.
4. Setbacks:
 - a. No building or parking or storage area shall be constructed within 50 feet horizontal of the centerline of the main branch of Powers Creek or its tributaries (e.g., South Fork Powers Creek). The zone thus created, 50 feet horizontal from the centerline of Powers Creek outward, shall be preserved primarily as an area of riparian vegetation. Trails, art installations, interpretive signs, lighting, benches, picnic areas, and habitat enhancement projects are allowable within this setback area.
 - b. North of Taylor Way: For properties west of Monda Way and for parcel 025-201-018, no building or parking or storage area shall be constructed within 25 feet horizontal of the closest edge of the trail that runs parallel to Powers Creek. This area is intended to be reserved for open space and other amenities such as landscaping, art, and benches.

For properties east of Monda Way, excluding parcel 025-201-018, no building or parking or storage area shall be constructed within 10 feet horizontal of the property line that runs parallel to Powers Creek or its tributaries.

- c. South of Taylor Way: Buildings that exceed 25 feet vertical shall be required to be located a minimum of 25 feet horizontal from any public right-of-way.
 - d. No building or parking or storage area shall be constructed within 50 feet horizontal of the boundary of the Blue Lake Rancheria. The zone thus created, 50 feet horizontal from the boundary of the Blue Lake Rancheria, shall be preserved as an undeveloped area of open space or riparian vegetation.
5. Manufacturing uses in this zone are required to be located on the ground floor of a structure.
6. Residential uses in this zone are required to be situated and designed to minimize impacts from adjacent heavy commercial and industrial uses.
7. Parking and loading areas:
- a. Sufficient onsite parking, as prescribed in Sections 17.24.100 and 17.24.230, shall be provided for employees, visitors and company vehicles.
 - b. The City Planner may waive off-street parking otherwise required if sufficient parking is proposed to be provided at a common off-site parking area. This shall not apply to accessible off-street parking spaces required by the American with Disabilities Act (ADA) or California Building Code.
 - c. Off-street loading as prescribed in Section 17.24.110.
8. Utilities:
- a. All site improvements shall be designed to accommodate underground utilities and shall be required to convert to such as they become available. Utilities shall include, but are not limited to, drainage systems, sanitary sewers, gas, water, power, cable and telephone.
 - b. Within each site, utility lines may be located above ground if they are incorporated and concealed within buildings, trellises, or special architectural features.

- c. Temporary overhead power and telephone lines will be permitted during construction, but are to be removed upon completion of construction.
9. Landscaping: A landscaping plan will be required for each site showing the locations, names, and initial sizes of plant materials, irrigation plan and groundcover materials. Ongoing maintenance and replacement (when needed) is a requirement of all uses within the O Zone. The City Planner will review each landscaping plan for approval. Landscape requirements are defined in Section 17.24.240. Where possible, required landscaping areas may also serve as areas for infiltration of stormwater runoff, subject to review and approval by the City Engineer. Landscaping shall be maintained to comply with the requirements of the Solar Shade Protection Act (Public Resources Code § 25980 – 25986).
10. Open Space: Common usable open space shall be required for all residential development. There shall be one hundred (100) square feet of common usable open space required for each bedroom. Usable open space may consist of outdoor area on the ground, in required setbacks or on any balcony, deck, porch, or rooftop which is designed and accessible for outdoor living, recreation, and pedestrian access complying with the following provisions:
 - a. Required parking areas and their driveways and required minimum landscaping areas shall not be included in computing usable open space.
 - b. Areas included in computing common usable open space shall be accessible to all units in common and no such required space shall be less than three hundred (300) square feet in area and shall have no dimension less than fifteen (15) feet. Rooftops gardens and rooftop landscaping may be used to satisfy this requirement. No more than 50% of the required usable open space area shall be hardscape (e.g. concrete, asphalt, etc.), except in the case of private open space provided on the upper floors of a structure as allowed under subsection g.
 - c. Each element of usable open space shall be completely open on at least one (1) side and shall have a clear vertical height of not less than seven (7) feet, and not less than fifty (50) percent of the total required usable open space shall be unobstructed to the sky.
 - d. Usable open space shall be improved to support passive or active use by residents. The computation of such open space shall include no obstructions other than devices and structures designed to enhance its usability, such as art, planters, benches, fountains, and landscaping.
 - e. Usable open space shall be situated and designed to minimize impacts from adjacent heavy commercial and industrial uses.

- f. Where possible, pervious areas set aside as usable open space may also serve as areas for infiltration of stormwater runoff, subject to review and approval by the City Engineer.
 - g. Private usable open space may be substituted for common usable open space at a ratio three (3) square feet of private open space for every two (2) square feet of common open space required, provided such element of open space either has an area of at least one hundred fifty (150) square feet, with no dimension less than ten (10) feet, if located at ground level, or an area of at least fifty (50) square feet, with no dimension less than six (6) feet, if located above ground level.
 - h. The City Planner may waive the requirement to provide usable open space on-site if sufficient usable open space is proposed to be provided at a common off-site area.
11. Site Plan Approval, as prescribed in Section 17.24.250, is required for new development, exterior additions to existing development, and the permanent or temporary placement and use of large stationary equipment outdoors. **To the extent required by Government Code Section 65583(a)(4), emergency shelters shall be allowed as a permitted use without a conditional use or other discretionary permit.** The Planning Commission may develop additional guidelines in written form that provides direction for meeting criteria listed in Section 17.24.250.

E. Performance Standards.

Projects must be designed and operated to comply with the following performance standards to minimize potential impacts during long-term operation. Special studies (e.g. noise studies, lighting plans, etc.), as determined by the City Planner, may be required to be submitted during processing of planning or building permit applications to provide evidence that compliance can be achieved prior to consideration of the project by the Planning Commission or issuance of building permits.

- 1. Toxic Substances. Any use which involves processes that will result in toxic substances or pollutants escaping (by air or water) from the site shall comply with all applicable Local, State and Federal regulations and shall require a use permit from the Planning Commission. Medical wastes are to be disposed of according to all applicable regulations. All processes shall comply with the applicable Local, State and Federal laws regarding airborne and waterborne emissions.
- 2. Signs. Any signs that will be used on-site, as well as signs on buildings, must be approved by the City Planner before they are posted. Free-standing signs shall be limited to 50 square feet in size and the top thereof shall not be higher than 10 feet above the ground. Signs shall be consistent with the general sign motif established for the Opportunity (O) Zone.

3. Lighting/Glare. Outdoor lighting shall be approved by the Planning Commission through the Site Plan Approval process as specified in Section 17.24.250. All outdoor lighting shall be designed to meet the following requirements:
 - a. All lighting fixtures shall comply with the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light ("dark sky compliant"). This includes, but is not limited to, requirements for acceptable fixture types and maximum color temperature.
 - b. All lighting fixtures shall be the minimum lumens required for safety and security.
 - c. All lighting fixtures shall be shielded and directed downward to minimize lighting shining on adjacent properties or natural areas. Shielded shall mean that the light rays are directed onto the site, and the light source (e.g., bulb, tube, etc.) is not visible beyond the property boundary of the site of the light source.
 - d. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness.
 - e. Stand-alone light fixtures shall be limited to a maximum of 20 feet vertical.
 - f. No lighting shall produce an illumination level greater than one-foot candle beyond the property boundary of the site of the light source.

Building materials or other site improvements that cause glare to nearby properties are prohibited.

4. Noise. No use, activity, or process shall generate noise in excess of the noise level standards in Section 17.24.280(C)(3). New uses that are estimated to exceed the noise level standards in Section 17.24.280(C)(3), shall be required to incorporate noise mitigation measures into the project design to ensure compliance. Existing uses that are determined to exceed the noise level standards in Section 17.24.280(C)(3), shall be required to implement effective noise mitigation measures to achieve compliance.
5. Dust. Any use that results in dust escaping from the site is required to mitigate to reduce the dust. Refer to North Coast Unified Air Quality Management District regulations for current limitations and requirements.
6. Sewage. Sewage disposal shall require on-site improvements (interceptor tanks, grease traps, etc.) for those uses that are determined by the Public Works Director to generate wastes that may cause a difficulty to the treatment system.

7. Odors. No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the zoning district.
 8. Storage, Service and Loading Areas.
 - a. Storage, service and loading areas shall be recessed or screened with fences, walls, berms, or plantings to reduce their visibility from adjacent streets or properties.
 - b. Materials, equipment, supplies, trash containers, inoperable vehicles, etc. shall be stored within an enclosed building or behind visual barriers such as fences, walls, berms, or plantings.
 9. No use shall be permitted which does not comply with State and Federal laws.
- F. Zoning Map Designation.

The Zoning Map designation for the O Zone shall be "O".



CITY OF BLUE LAKE

Post Office Box 458, 111 Greenwood Road, Blue Lake, CA 95525
Phone 707.668.5655 Fax 707.668.5916

AGENDA REPORT

Item #: 12
Date: December 13, 2022
Item Subject: **Arts and Heritage Commission Application Review and Appointment Consideration**
Submitted By: Amanda Mager, City Manager

General Information:

The newly formed Arts and Heritage Commission has been soliciting for commissioners and advisors; the Council has received additional applications for consideration.

Background Material Provided: Commissioner Applications Received:

- Marnie Atkins-Wiyot Tribal Member, Linguist and Cultural Specialist
- Sherri Green-Blue Ribbon Quilter, Costume Designer, Artist

Fiscal Impact: N/A

Recommended Action: Appoint Marnie Atkins to the position of Arts and Heritage Commissioner and Sherri Green to an advisory position.

Review Information:

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

Comments:



CITY OF BLUE LAKE

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Phone 707.668.5655 Fax 707.668.5916

Arts and Heritage Commission Application

Name: Marnie Atkins	
Residence Address: [REDACTED]	
Primary Phone No.: [REDACTED]	Alternate Phone No.:
Email Address: matkins@wiyot.us	
Educational Background (Last Year Completed): MA in Linguistics - (Native American) Language Teaching Specialization & MS in Cultural Anthropology	
Length of Time Living/Working in Blue Lake: 0	
Present Employer: Wiyot Tribe	
Job Title: Da gou rou louwi' Cultural Center Manager	
Position Applying for:	Commissioner: <input type="checkbox"/> Advisory Member: <input checked="" type="checkbox"/>

On a separate piece of paper, please provide detailed answers to the following questions:

1. *What community organizations are you currently involved with?*
2. *What unique skills or qualifications do you bring to the position?*
3. *What do you view as the main goal/purpose of the Arts and Heritage Commission?*
4. *What contribution(s) can you make to the goal/purpose of the Arts and Heritage Commission?*

City of Blue Lake
Arts and Heritage Commission
Application Questions & Responses
Marnie Atkins

1. What community organizations are you currently involved with?
 - a. Currently, I serve on the following Boards:
 - i. Northwest Indian Language Institute, University of Oregon
 - ii. Native American Advisory Council, Phoebe Hearst Museum, UC Berkeley
 - iii. Humboldt & Del Norte Film Commission
 - b. I am involved with the City of Eureka's Cultural Arts District group and College of the Redwoods' Outdoor Campus Collaborative group.
 - c. I hold the position of Secretary with the Wiyot Tribe's governing body. My term is 2021-2025.
2. What unique skills or qualifications do you bring to the position?
 - a. I have extensive experience in project management, events/meeting planning, teaching, facilitating, working with people during difficult circumstances, and building strong collaborative partnerships with various organizations, non-profits, and government agencies.
 - b. I have experience developing curriculum and teaching materials and grant writing.
 - c. I have worked in philanthropic development on a limited basis.
3. What do you view as the main goal/purpose of the Arts and Heritage Commission?
 - a. To serve the Commission in an advisory capacity about Wiyot people's history, culture, language, lifeways, and contemporary issues.
 - b. To give my best advice/guidance on matters where my input is requested/needed.
 - c. To develop arts and heritage programming that is inclusive of Wiyot people's history, culture, language, lifeways, and contemporary issues and that educates community members while enriching community dialogue and partnerships.
4. What contribution(s) can you make to the goal/purpose of the Arts and Heritage Commission?
 - a. I will provide the best input I can to the Commission when they are considering new development, projects, and collaborative opportunities with Wiyot people.
 - b. I aim to be a bridge or facilitator between Wiyot people, no matter the tribe or rancheria they are enrolled in, to ensure enriching engagement between and with the residents of Blue Lake.

RECEIVED

NOV 14 2022



CITY OF BLUE LAKE

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Phone 707.668.5655 Fax 707.668.5916

Arts and Heritage Commission Application

Name: Sherr, Green	
Residence Address: [REDACTED]	
Primary Phone No.: [REDACTED]	Alternate Phone No.: [REDACTED]
Email Address: [REDACTED]@eninet.com	
Educational Background (Last Year Completed): 2 years college - CR	
Length of Time Living/Working in Blue Lake: 8 1/2 years	
Present Employer: retired	
Job Title:	
Position Applying for:	Commissioner: <input checked="" type="checkbox"/> Advisory Member: <input type="checkbox"/>

On a separate piece of paper, please provide detailed answers to the following questions:

1. *What community organizations are you currently involved with?*
2. *What unique skills or qualifications do you bring to the position?*
3. *What do you view as the main goal/purpose of the Arts and Heritage Commission?*
4. *What contribution(s) can you make to the goal/purpose of the Arts and Heritage Commission?*

1. I am currently not involved with any community organizations.
2. My skills are: I am blue ribbon quilter. In the past, I have been a stitcher and costume manager for Dell'Arte's Mad River Festival and the Holiday Shows. I also created some specialty costumes for graduating students' thesis shows.
I am an avid gardener and know many plants and their requirements.
I have had experience with mosaics, stained glass, needle felting.
I was a hairdresser for over 15 years.
I was a Big Sister for many years.
I love to cook and especially bake.
I volunteered at the Grange Breakfast each month.
3. I feel the purpose of the Arts and Heritage Commission is to get our community involved with creative endeavors. Ideally, we can share our talents. This will create bonds and interest in our town.
4. Having lived in Blue Lake over 8 years, I feel that I know and am connected to many in our community. I can share my skills as well as promote others to share theirs. I will also be available to assist the others on the Commission.

Shari Green



CITY OF BLUE LAKE

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AGENDA REPORT

Item #: 13
Date: December 13, 2022
Item Subject: Maddy Act Notification
Submitted By: Amanda Mager, City Manager

General Information:

At the end of each calendar year, the City Clerk publishes a list of all appointments to regular and ongoing commissions which are appointed by the City Council. This is done pursuant to the Maddy Act, Government Code Section 54970. This list will be posted at the local library branch, on the City’s website and will be updated when needed.

Parties interested in filling vacancies will fill out a Council/Commission/Committee Application and return it to City Hall. Applications will be provided to Council for appointment consideration at a duly called City Council meeting.

Background Material Provided: Maddy Act Notice-Current Positions

Fiscal Impact: N/A

Recommended Action: Direct the City Clerk to post the Maddy Act Notice as required by Government Code Section 54970.

Review Information:

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

Comments:

CITY OF BLUE LAKE

MADDY ACT NOTICE

At the end of each year, the City Clerk will publish a list of all appointments to the regular and on-going commissions which are appointed by the City Council. This is done pursuant to the Maddy Act, Government Code Section 54970. This list will be posted at the local post office, library, City Hall and on the City's website. The list will be updated when necessary.

Parties interested in filling vacancies must fill out a Council/Commission/Committee application and return it to City Hall for Council consideration.

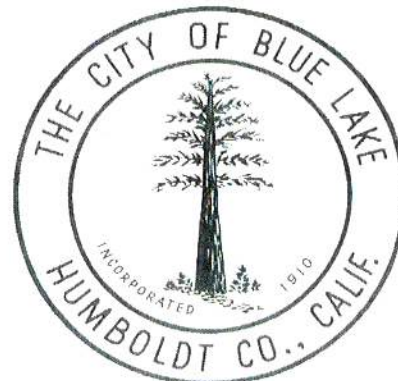
PLANNING COMMISSION	
COMMISSIONER NAME:	END DATE:
CORT PRYOR	June 30, 2026
EARL EDDY	June 30, 2026
MATTHEW SCHANG	June 30, 2024
ROBERT CHAPMAN	June 30, 2024
RICHARD PLATZ	June 30, 2024

ECONOMIC DEVELOPMENT COMMISSION	
COMMISSIONER NAME:	END DATE:
ROXANNE ROTHERY	June 30, 2023
CINDY TROBITZ-THOMAS	June 30, 2024
DARCEY LIMA	June 30, 2023
CHARIS BOWMAN	June 30, 2023
JAKE HUSSIN	June 30, 2024

PARKS AND RECREATION COMMISSION	
COMMISSIONER NAME:	END DATE:
BETTINA EIPPER	June 30, 2024
MOLLY HOMEN	June 30, 2024
JEFF BYRD	June 30, 2024
VACANT	
JEN SODERFELT	June 30, 2023

PUBLIC SAFETY COMMISSION	
COMMISSIONER NAME:	END DATE:
JASON CREWS	June 30, 2023
JUDI GIUNTINI	June 30, 2024
SARAH FINESTONE	June 30, 2023
JULIA OLIVEIRA	June 30, 2024
STEPHANIE DICKINSON	June 30, 2024

ARTS AND HERITAGE COMMISSION	
COMMISSIONER NAME:	END DATE:
DIANA LYNN	Jan. 31, 2025
GINA TUZZI	Jan. 31, 2025
JULIE DOUGLAS	Jan. 31, 2025
PATRICIA SENNOT	Jan. 31, 2024
RANDY TORONI	Jan. 31, 2025
	Jan. 31, 2024





CITY OF BLUE LAKE

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AGENDA REPORT

Item #: 14
Date: December 13, 2022
Item Subject: Council Committee Assignments
Submitted By: Amanda Mager, City Manager

General Information:

Council will designate representatives to the various committees, commissions, JPA's and boards that the City participates on.

Background Material Provided: Blue Lake City Council Committee Assignments-2022 List

Fiscal Impact: N/A

Recommended Action: Council to designate Council representatives as discussion directs.

Review Information:

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

Comments:

Blue Lake City Council Committee Assignments 2022

P: Primary A: Alternate

Agency	Meeting Day/Time	Adelene	Ben	Alice	Chris	Elaine
RREDC - Redwood Regional Economic Development 520 E St. Eureka	4th Monday @ 6:30 pm 445-9652			A	P	
HCAOG - Humboldt County Association of Governments - 2nd Floor Eureka City Hall	3rd Thursday @ 4:00 pm 444-8208	P		A		
HWMA - Humboldt Waste Management Authority - 2nd Floor Eureka City Hall	2nd Thursday @ 5:30 pm 268-8680			A		P
Indian Gaming Grant Funds Commission - County Building - BL Rancheria Liaison	As Needed	A	P			
Water Task Force (HBMWD) - Humboldt Bay Municipal Water District - 828 7th St. Eureka	As Needed-443-5018	P			A	
RCEA - Redwood Coast Energy Authority - 517 15th Street, Eureka	3rd Monday @ 3:30 pm 269-1700		A		P	
Blue Lake Chamber of Commerce Liaison	2nd Monday @ 5:30 p.m. at Skinner Store	p		A		
BL Public Safety Commission - Sheriff's Department Liaison	1st Monday @ 6:00 p.m at Skinner Store		A	P		
BL Fire Department Liaison	3rd Mondays @ 6:30 p.m.		P		A	
BL Parks and Recreation Commission Liaison - Skinner Store	TBD		P			A
BL Economic Development Commission Liaison	1st Tuesday @ 4:30 p.m. @ Skinner Store	P			A	
Mad River Alliance	Quarterly			P	A	
League of CA Cities	Quarterly	A				P
Mayor Select Committee		P				A

Mayor: Adelene Jones

Mayor Pro-Tem: Elaine Hogan

Blue Lake City Council Committee Assignments 2023

P: Primary A: Alternate

Agency	Meeting Day/Time	Adelene	Angela	Elizabeth	Elise	
RREDC - Redwood Regional Economic Development 520 E St. Eureka	4th Monday @ 6:30 pm 445-9652					
HCAOG - Humboldt County Association of Governments - 2nd Floor Eureka City Hall	3rd Thursday @ 4:00 pm 444-8208					
HWMA - Humboldt Waste Management Authority - 2nd Floor Eureka City Hall	2nd Thursday @ 5:30 pm 268-8680					
Indian Gaming Grant Funds Commission - County Building - BL Rancheria Liaison	As Needed					
Water Task Force (HBMWD) - Humboldt Bay Municipal Water District - 828 7th St. Eureka	As Needed-443-5018					
RCEA - Redwood Coast Energy Authority - 517 15th Street, Eureka	3rd Monday @ 3:30 pm 269-1700					
Blue Lake Chamber of Commerce Liaison	2nd Monday @ 5:30 p.m. at Skinner Store					
BL Public Safety Commission - Sheriff's Department Liaison	1st Monday @ 6:00 p.m at Skinner Store					
BL Fire Department Liaison	3rd Mondays @ 6:30 p.m.					
BL Parks and Recreation Commission Liaison - Skinner Store	TBD					
BL Economic Development Commission Liaison	1st Tuesday @ 4:30 p.m. @ Skinner Store					
Mad River Alliance	Quarterly					
League of CA Cities	Quarterly					
Mayor Select Committee						

Mayor:

Mayor Pro-Tem:



CITY OF BLUE LAKE

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AGENDA REPORT

Item #: 15
Date: December 13, 2022
Item Subject: **Water and Wastewater Rate Proposal Discussion**
Submitted By: Elise Scafani-Resident

General Information:

Elise Scafani submitted an email requesting that a discussion item regarding the water and wastewater rate proposal be placed on the City's December 13th agenda.

Background Material Provided: Email from Elise Scafani

Fiscal Impact: N/A

Recommended Action: Discussion Only

Review Information:

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

Comments:



Amanda Mager <citymanager@bluelake.ca.gov>

Council meeting agenda 12/13

1 message

Jaderiver@suddenlink.net <Jaderiver@suddenlink.net>

To: Emily Wood <ewood@bluelake.ca.gov>, Amanda Mager <citymanager@bluelake.ca.gov>

Wed, Nov 30, 2022 at 8:55 PM

Hello Mandy and Emily,

Thanks for posting the upcoming agenda on Facebook. I would like to have a discussion of the water rate proposal and rate study on the agenda on 12/13. Since 3 of the 5 council members are new to the council I feel it is important that we have an opportunity to be brought up to date on all the details involved before the public hearing. I am unsure how to request an item be added to the agenda. Please let me know if this will suffice.

Thank you,

Elise Scafani



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AGENDA REPORT

Item #: 16
Date: December 13, 2022
Item Subject: Council Training Discussion
Submitted By: Amanda Mager, City Manager

General Information:

Council to discuss Council training opportunities, including, but not limited to:

1. New Council Orientation & Council Responsibilities
2. Robert's Rules of Order & Meeting Management
3. The Brown Act

Background Material Provided: N/A

Fiscal Impact: N/A

Recommended Action: Direct staff to arrange for Council training sessions

Review Information:

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

Comments:



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.

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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. An agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the "ayes" and then asking for the "nays" normally does this. If members of the body do not vote, then they "abstain." Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body."

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member's desired approach with the words "I move ..."

A typical motion might be: "I move that we give a 10-day notice in the future for all our meetings."


The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, "A motion at this time would be in order."
2. **Suggesting a motion to the members of the body**, "A motion would be in order that we give a 10-day notice in the future for all our meetings."
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body's consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."



The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So if a member makes what that member calls a "motion to amend," but the chair determines that it is really a "substitute motion," then the chair's designation governs.

A "friendly amendment" is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, "I want to suggest a friendly amendment to the motion." The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate


The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.



Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.


Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider


There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.



Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.




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RALPH M. BROWN ACT

CALIFORNIA GOVERNMENT CODE §§ 54950, ET
SEQ.

Humboldt Community Services District

May 11, 2021

Original Purpose (1953)

“In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

Government Code § 54950



2004 Constitutional Amendment

“The people have the right of access to information concerning the conduct of the people’s business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.”

Proposition 59



General Principles

- All meetings shall be open and public.
- Actions and deliberations must be taken openly.
- All people shall be permitted to attend and participate in the meetings.
- Only matters on the agenda can be discussed.

There are very narrow exceptions to these general principles.

Meeting Defined Broadly

- “[A]ny congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.” Government Code § 54952.2(a)
- “Deliberation” includes collective decision-making and collective acquisition and exchange of facts preliminary to the ultimate decision.
- “Action taken” is a collective decision or actual vote by a majority of the members of a body.
- Must be a quorum of the Members to constitute a “meeting”.

Types of Meetings

by the dates, times, and locations set by the legislative body and are subject to formal action by the legislative body and are subject to 72 hour posting requirements

Regular Meetings – Meetings occurring at the dates, times, and locations set by resolution, ordinance, or other formal action by the legislative body and are subject to 72 hour posting requirements

Special Meetings – Meetings called by the presiding officer or majority of the legislative body to discuss only discrete items on the agenda under the Brown Act's notice requirements for special meetings and are subject to 24 hour posting requirements

Emergency Meetings – Meetings held on short notice when prompt action is needed due to actual or threatened disruption of public facilities

Adjourned Meetings – Regular or Special Meetings that have been adjourned or re-adjourned to a time and place specified in the order of adjournment, with no agenda required for regular meetings adjourned for less than five calendar days as long as no additional business is transacted

Informal Meetings – An informal gathering of a majority of members at which local agency business is discussed or transacted.

Exceptions to Meeting Definition

Individual contacts with any non-legislative body member
This exception recognizes the right to confer with constituents, advocates, consultants, news reporters, local agency staff, or a colleague.

Conferences attended by a majority of the legislative body
This exception permits legislative body members to attend annual association conferences of city, county, school, community college, and other local agency officials, so long as those meetings are open to the public.

Attendance at community meetings
This exception allows a legislative body majority to attend an open and publicized meeting held by another organization to address a topic of local community concern.

Attendance at meetings held by other legislative bodies
This exception allows a majority of a legislative body to attend an open and publicized meeting of another body of the local agency and a legislative body of another local agency.

Attendance at standing committee meetings as an observer
This exception authorizes the attendance of a majority at an open and noticed meeting of a standing committee of the legislative body, provided that the legislative body members who are not members of the standing committee attend only as observers (meaning that they cannot speak or otherwise participate in the meeting).

Social or ceremonial events

Grand Jury testimony



Serial Meetings

The Brown Act prohibits a majority of the members of a legislative body from using a series of communications of any kind, directly or through intermediaries, outside of a meeting, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

Government Code § 54952.2(b)

Types of Serial Meetings

- “Daisy-chain” method - Member A contacts Member B, Member B contacts Member C, Member C contacts Member D and Member D contacts Member E until a quorum has discussed, deliberated or taken action on an item within the legislative body’s subject matter jurisdiction.
- “Hub-and-spoke” method – One person acts as a “hub” (for example a staff member or a city council member) and communicates with members of the legislative body (the “spokes”) one by one to discuss business of a specific nature that is within the local agency’s subject matter jurisdiction.

Communications Not a Serial Meeting

- A unilateral written communication to the legislative body, such as an informational or advisory memorandum, does not violate the Brown Act.
 - Use the BCC email function
 - Do not “reply-all”
- Individual meetings with staff in preparation for a meeting. Staff should be careful not to disclose to members the content of meetings with or positions of any other member.

Agenda Requirements

- Posted at least 72 hours in advance of Regular Meeting
- Posted in location “freely accessible to members of the public” (Open to the Public 24 hours per day for entire 72 hour period)
- Posted on agency’s website
- Mailed upon written request (written request good for 1 year)
- Special Meeting Agenda to be delivered to media who have requested notice at least 24 hours in advance
- Notice of Emergency Meeting to media who have requested notice by telephone at least 1 hour in advance
- Include time and place
- Contain a brief general description of each item of business to be transacted or discussed at the meeting
- Safe harbor language available for closed session descriptions
- Allow for public comments before or during discussion of agenda items

No Action Taken on Non-Agenda Items; Exceptions

- As a general rule, the legislative body may not take action on any item not properly and timely placed on the agenda.
- Three narrow exceptions:
 1. When a majority decides there is an “emergency situation” (as defined for emergency meetings);
 2. When two-thirds of the members present (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action came to the attention of the local agency subsequent to the agenda being posted.
 3. When an item appeared on the agenda of, and was continued from, a meeting held not more than five days earlier.

Public Participation

- The right of the public to attend meetings of the legislative body is, with very limited exceptions, guaranteed by the Brown Act.
- Members of the public cannot be required to register their names, provide other information, complete a questionnaire, or otherwise fulfill any condition to attending a meeting.
- The public has the right to record meetings.
- Any non-privileged materials distributed to members of the legislative body before or during a meeting must be made available to the public at the same time of distribution to the legislative body.

Public Participation Continued

- Public Comment, Generally - every agenda for a regular meeting must allow members of the public to speak on any item of interest, so long as the item is within the subject matter jurisdiction of the legislative body.
- Public Comment on Agenda Items - the public must be allowed to speak on a specific item of business before or during the legislative body's consideration of it.
- Adoption of Reasonable Regulations - the legislative body may adopt reasonable regulations, including time limits, on public comments.
 - Rules should be enforced by the Board President in a fair and equal manner without respect to the view point of the speaker.

Public Participation Continued

- **Responding to Public Comment**
 - Members of the legislative body should not engage with members of the public during public comment period. This is especially true regarding items not appearing on the agenda.
 - However, members of the legislative body may provide a reference to staff or other resources for factual information, or direct staff to place the issue on a future agenda.
- **Preventing Disruption of the Meeting**
 - The legislative body may remove persons from a meeting who willfully interrupt proceedings. Ejection is justified only when audience members actually disrupt the proceedings. If order cannot be restored after ejecting disruptive persons, the meeting room may be cleared. Members of the news media who have not participated in the disturbance must be allowed to continue to attend the meeting. The legislative body may establish a procedure to re-admit an individual or individuals not responsible for the disturbance.

Closed Session

- Closed sessions are narrow exceptions to the general rule that all public business must be transacted in an open and public manner. Accordingly, each exception is narrowly construed.
- Closed sessions must take place as an agenda item of a scheduled public meeting.
- Closed session items must include specific citation to statutory authority under which closed session is being held.
- Only items on the closed session agenda may be discussed in closed session even if no action is taken.
- Discussion of an item not on the agenda in closed session is an unlawful meeting.
- Attendance at closed session meetings is limited to persons necessary to the issue under discussion.
- Certain closed session items require action taken in open session immediately before adjuring to closed session.
- Certain actions taken in closed session require a public report of the action taken upon reconvening into open session.



Primary Closed Session Topics

- Conference with legal counsel regarding pending or anticipated litigation by or against the public entity.
- Liability claims
- Conference with real estate negotiators
- Public employment
- Conference with labor negotiators
- Threat to public services or facilities



CITY OF BLUE LAKE

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Blue Lake, CA 95525
Fax 707.668.5916

AGENDA REPORT

Item #: 17
Date: December 13, 2022
Item Subject: **Consent Agenda**
Submitted By: Amanda Mager, City Manager

General Information:

- a. Warrants and Disbursements
- b. Draft Meeting Minutes:
 - October 18, 2022
 - October 25, 2022

Background Material Provided: Warrants and Disbursements and Draft Meeting Minutes

Fiscal Impact: N/A

Recommended Action: Approve the Consent Agenda

Review Information:

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

Comments:

City of Blue Lake
 Check/Voucher Register - City Council Check Report
 From 11/1/2022 Through 11/30/2022

Check Number	Check Date	Payee	Check Description	Check Amount
2305	11/1/2022	Marissa Lawrence	Deposit Refund #20257001 Lawrence	103.62
2306	11/1/2022	Sarah Finestone	Deposit Refund #30417001 Finestone	57.09
2307	11/1/2022	City of Blue Lake	Utilities paid from Deposits 11/1/22 Billing	151.29
10271	11/4/2022	Harold D. Burriss	Employee: burrish; Pay Date: 11/4/2022	2,047.45
10272	11/4/2022	Grace E. Daverson	Employee: daverson; Pay Date: 11/4/2022	434.10
10273	11/4/2022	Michael D. Downard	Employee: downardm; Pay Date: 11/4/2022	1,026.10
10274	11/4/2022	Vicki L. Hutton	Employee: huttonv; Pay Date: 11/4/2022	1,493.68
10275	11/4/2022	Kanoa K. Jones	Employee: jonesk; Pay Date: 11/4/2022	261.42
10276	11/4/2022	Francesca I. Messina	Employee: messinaf; Pay Date: 11/4/2022	186.73
10277	11/4/2022	AT&T	2-10/20/22 statements	67.94
10278	11/4/2022	CA State Disbursement Unit	10/21/22 & 11/4/22 PR deductions	184.60
10279	11/4/2022	CA State Disbursement Unit	10/21/22 & 11/4/22 PR deductions	203.06
10280	11/4/2022	Patti Johnson	cancelled skate party reimb. 10/23/22 Johnson	120.00
10281	11/4/2022	On Point Construction	10/27/22 inv#1027 caretaker cabin	8,968.87
10282	11/4/2022	Redwood Petroleum	to replace stale dated ck#9441	579.70
10283	11/4/2022	Redwood Petroleum	10/13/22 inv#124 (Sep 2022)	753.14
10284	11/4/2022	U. S. Postal Service	stamped envelope order item#291325	728.80
10285	11/4/2022	Verizon Wireless	bill summary 9/22/22-10/21/22	283.40
10286	11/4/2022	GreatAmerica Financial Svcs.	inv #32659170 due 11/12/22	204.00
20221104 EFT...	11/4/2022	U. S. Department of Treasury	EFTPS federal tax pmt 11/4/22 PR	6,441.01
20221104 EFT...	11/4/2022	Employment Development Dept.	DE88 state tax pmt 11/4/22 PR	1,100.69
20221104 EFT...	11/4/2022	Cal PERS	PERS retirement pmt 11/4/22 PR	3,229.42
20221104 EFT...	11/4/2022	Freedom Voice	Freedom voice 11/1/22 statement	124.80
221104A01	11/4/2022	Christopher A. Ball	Employee: ballc; Pay Date: 11/4/2022	383.85
221104A02	11/4/2022	Glenn R. Bernald	Employee: bernaldg; Pay Date: 11/4/2022	2,143.15
221104A03	11/4/2022	Rosine S. Boyce-Derricott	Employee: boycer; Pay Date: 11/4/2022	538.47
221104A04	11/4/2022	Skyler A. Coke	Employee: cokes; Pay Date: 11/4/2022	809.84
221104A05	11/4/2022	Melissa M. Combs	Employee: combsm; Pay Date: 11/4/2022	542.74
221104A06	11/4/2022	Stella M. Drobnick-Sochovka	Employee: drobnicks; Pay Date: 11/4/2022	265.15
221104A07	11/4/2022	Lisa M. Honzik	Employee: honziki; Pay Date: 11/4/2022	100.33
221104A08	11/4/2022	Austin R. Jones	Employee: jonesa; Pay Date: 11/4/2022	627.53
221104A09	11/4/2022	Amanda L. Mager	Employee: magera; Pay Date: 11/4/2022	1,832.76
221104A10	11/4/2022	Jacob P. Meng	Employee: mengj; Pay Date: 11/4/2022	1,031.75
221104A11	11/4/2022	Caurissa R. Moore	Employee: moorec; Pay Date: 11/4/2022	339.83
221104A12	11/4/2022	Ross A. Nash	Employee: nashr; Pay Date: 11/4/2022	698.38
221104A13	11/4/2022	Trevor L. Pumnea	Employee: pumneat; Pay Date: 11/4/2022	1,398.38
221104A14	11/4/2022	Quinn Sousa	Employee: sousaq; Pay Date: 11/4/2022	321.17
221104A15	11/4/2022	Ashley M. Thacker	Employee: thackera; Pay Date: 11/4/2022	1,113.43
221104A16	11/4/2022	Emily P. Wood	Employee: woode; Pay Date: 11/4/2022	1,340.66
10287	11/7/2022	Humboldt County Health Dept.	Annual HAZ MAT corp yrd/WWTP	869.13
10288	11/7/2022	Ashley M. Thacker	10/20/22 & 10/25/22 Dental pmts - Thacker	424.50
10289	11/7/2022	Barbara Russell	Refund utility holding deposit-Russell	102.00
10290	11/7/2022	David Groe	Refund utility holding deposit - Groe	130.00
10291	11/7/2022	Mary Jean Schjei	Refund utility holding deposit-Schjei	150.00
10292	11/7/2022	Krista Defraga	Refund utility holding deposit - Defraga	120.00
10293	11/7/2022	Miller Farms Nursery, Inc.	10/31/22 statement	301.69
10294	11/7/2022	Emily P. Wood	Replace stale dated paycheck #8086-3/27/20-79.48	79.48
10295	11/7/2022	Christopher F. Curran	Replace stale dated check #9436-12/17/22-50.00	50.00
10296	11/7/2022	Glenn Bernald	replace stale dated check #9593 3/4/22-99.00	99.00
10297	11/7/2022	Emily P. Wood	4-11/2/22 supplies reimb.-Wood	74.92
10298	11/7/2022	City of Blue Lake	W/S payments 11/1/22	2,295.61
10299	11/7/2022	Jay D. Collins	10/27/22 DJ services invoice	300.00
10300	11/7/2022	Humboldt County Tax Collector	property tax FY 22/23 Springline	55.44
10301	11/7/2022	SHN Consulting	10/21/22 Inv#114962 Truck route	1,287.87
10302	11/7/2022	SHN Consulting	10/21/22 Inv# 114966 Town Square	5,815.90
10303	11/7/2022	SHN Consulting	10/13/22 inv#114791 planning	3,510.00

City of Blue Lake
 Check/Voucher Register - City Council Check Report
 From 11/1/2022 Through 11/30/2022

Check Number	Check Date	Payee	Check Description	Check Amount
10304	11/7/2022	D & R Janitorial Service	11/1/22 statement	295.00
10305	11/7/2022	Humboldt County Sheriff's Dept	animal shleter agreement Nov 2022	670.00
10306	11/7/2022	Humb. Bay Municipal Water Dist	billing period:Oct 1-31, 2022	16,854.80
10307	11/7/2022	Aflac	10/25/22 Inv # 367151	131.52
10308	11/7/2022	Pierson Building Center	10/31/22 statement	747.95
10309	11/7/2022	Almquist Lumber Co.	10/31/22 statement	293.44
10310	11/7/2022	Thomas Home Center	10/31/22 statement	148.45
10311	11/14/2022	AT&T	4-11/4/22 cal net 3 bills	277.17
10312	11/14/2022	Blue Lake Rancheria	Sep & Oct 2022 transit services	5,375.00
10313	11/14/2022	Christopher F. Curran	Oct 2022 council stipend	50.00
10314	11/14/2022	Coastal Business Systems Inc.	11/30/22 Inv#32753319	827.42
10315	11/14/2022	Alice Finen	Oct 2022 council stipend	50.00
10316	11/14/2022	Elaine B. Hogan	Oct 2022 council stipend-Hogan	50.00
10317	11/14/2022	Intedata Systems	10/31/22 statement	75.00
10318	11/14/2022	Adelene Jones	Oct 2022 council stipend-Jones	50.00
10319	11/14/2022	The Mitchell Law Firm, LLP	10/31/22 Inv#s 51128, 51159, 51160	2,553.00
10320	11/14/2022	Mendes Supply Company	11/01/22 statement	448.43
10321	11/14/2022	Department of Motor Vehicles	Sales tax & transfer fee- 2019 Honda HRV	1,113.00
10322	11/14/2022	National Rural Water Assoc.	SCADA loan pmt due 12/1/22	965.00
10323	11/14/2022	Optimum	Billing period: 11/1/22-11/30/22	431.56
10324	11/14/2022	Arcata Stationers	11/1/22 statement	296.50
10325	11/14/2022	PG&E CFM/PPC Department	10/30/22 statement	0.00
10326	11/14/2022	RREDC	town square loan pmt due 12/1/22	1,236.87
10327	11/14/2022	Terminix International	9/30/22 statement	160.00
10328	11/14/2022	Valley Pacific Petroleum	10/18/22 Inv# INV 22-605183	944.92
10329	11/14/2022	Northcoast Awning Co.	11/7/22 Inv#- 314 SRR awning	3,763.31
10330	11/14/2022	Jacob Meng	11/10/22 supplies reimb.-Meng	81.08
10331	11/14/2022	The Mill Yard	10/31/22 statement	997.14
10332	11/14/2022	Hensel's Ace Hardware	10/31/22 statement	60.54
10333	11/14/2022	O'Reilly Auto Parts	10/28/22 statement	488.60
10334	11/14/2022	Pacific Gas and Electric	10/30/22 Statement	7,044.37
10208	11/18/2022	Storyland Studios	6/30/2022 Inv#32360	(32,000.00)
10335	11/18/2022	Harold D. Burris	Employee: burrish; Pay Date: 11/18/2022	1,594.40
10336	11/18/2022	Grace E. Daverson	Employee: daversong; Pay Date: 11/18/2022	403.08
10337	11/18/2022	Michael D. Downard	Employee: downwardm; Pay Date: 11/18/2022	980.36
10338	11/18/2022	Vieki L. Hutton	Employee: huttonv; Pay Date: 11/18/2022	1,828.03
10339	11/18/2022	Francesca I. Messina	Employee: messinaf; Pay Date: 11/18/2022	100.82
10340	11/18/2022	Storyland Studios	6/30/2022 Inv#32360 re-issued	32,000.00
10341	11/18/2022	US Bank Corp. Payment Systems	10/24/22 statement	3,745.52
10342	11/18/2022	Humboldt County Sheriff's Dept	7/1/22-12/31/22 Law enforcement services	73,225.00
10343	11/18/2022	Tensor IT	11/15/22 statement	1,374.20
10344	11/18/2022	SHN Consulting	10/21/22 Inv# 114964 engineering	3,331.80
10345	11/18/2022	B & B Portable Toilet Co.	2- 11/12/22 #151438, 151439	167.72
10346	11/18/2022	Humboldt Orthodontics	Dental pmt 10/24/22 Mager	990.00
10347	11/18/2022	FDAC EBA	Billing period: 72- 12/01/22 to 12/31/22	14,465.01
10348	11/18/2022	Susan Lewis	Sunday market sales- Lewis	108.00
10349	11/18/2022	Ingrid Kosek	Sunday market sales- Kosek	14.00
10350	11/18/2022	CA State Disbursement Unit	11/18/22 PR deduction	92.30
10351	11/18/2022	CA State Disbursement Unit	11/18/22 PR deduction -Michael Downard	101.53
221118A01	11/18/2022	Christopher A. Ball	Employee: ballc; Pay Date: 11/18/2022	300.87
221118A02	11/18/2022	Glenn R. Bernald	Employee: bernaldg; Pay Date: 11/18/2022	2,160.93
221118A03	11/18/2022	Rosine S. Boyce-Derricott	Employee: boycer; Pay Date: 11/18/2022	531.33
221118A04	11/18/2022	Skyler A. Coke	Employee: cokes; Pay Date: 11/18/2022	948.45
221118A05	11/18/2022	Melissa M. Combs	Employee: combsm; Pay Date: 11/18/2022	542.74
221118A06	11/18/2022	Stella M. Drobnick-Sochovka	Employee: drobnicks; Pay Date: 11/18/2022	216.60
221118A07	11/18/2022	Lisa M. Honzik	Employee: honziki; Pay Date: 11/18/2022	140.45

City of Blue Lake
 Check/Voucher Register - City Council Check Report
 From 11/1/2022 Through 11/30/2022

<u>Check Number</u>	<u>Check Date</u>	<u>Payee</u>	<u>Check Description</u>	<u>Check Amount</u>
221118A08	11/18/2022	Kanoa K. Jones	Employee: jonesk; Pay Date: 11/18/2022	212.85
221118A09	11/18/2022	Amanda L. Mager	Employee: magera; Pay Date: 11/18/2022	1,926.18
221118A10	11/18/2022	Jacob P. Meng	Employee: mengj; Pay Date: 11/18/2022	1,031.74
221118A11	11/18/2022	Caurissa R. Moore	Employee: moorec; Pay Date: 11/18/2022	175.52
221118A12	11/18/2022	Ross A. Nash	Employee: nashr; Pay Date: 11/18/2022	364.06
221118A13	11/18/2022	Trevor L. Pumnea	Employee: pumneat; Pay Date: 11/18/2022	1,436.33
221118A14	11/18/2022	Quinn Sousa	Employee: sousaq; Pay Date: 11/18/2022	317.42
221118A15	11/18/2022	Ashley M. Thacker	Employee: thackera; Pay Date: 11/18/2022	1,113.42
221118A16	11/18/2022	Emily P. Wood	Employee: woode; Pay Date: 11/18/2022	1,234.78
Report Total				219,559.38

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CITY OF BLUE LAKE
CALIFORNIA

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

Blue Lake City Council Minutes

October 18, 2022~ 6:30 p.m. Public Hearing
Mad River Grange, Blue Lake, CA

Meeting Called to Order at 6:30PM

1. Pledge of Allegiance and Establish a Quorum of the Council

Council Members Present: Quorum Established

Adelene Jones, Mayor
Chris Curran
Elaine Hogan – Via Zoom
Benjamin McCreath
Alice Finen

Staff Present:

Amanda Mager, City Manager/City Clerk
Emily Wood
Ryan Plotz
Mike Forget
Bridget Harris (RCAC) via Zoom

Public Present:

Elise Scafani
Lisa Hoover
Lorraine Comfort
Jan Neal
John Sawatzky
Teresa Sawatzky
Colleen Farley
Jean Lynch
Becky Thornton
Jeff Landen
Jennie Short
Lorraine Comfort

Public Comment:

Lori Ponte: I understand that Prop 218 requires a letter be sent to property owners, and that it should have included a ballot.

Attorney Plotz: Under Prop 218, this is a majority protest process. The way to protest one or both of the rates is to submit a written protest. The notices sent included the instructions on what to include and how they are to be submitted.

Attorney Plotz: No, only property owners were given notice as directed by Prop 218 Procedure.

Lorraine Comfort: I appreciate everyone following the rules for commenting, so we can all hear and participate. If renters have signed up through Blue Lake to get water, would they get this notice?

Attorney Plotz: No; the 218 process requires that the parcel owner of record be sent the notice.

John Sawatzky: I understand the need for the increase, but people should have been noticed; this could have been on the water bill

Jeffery Robinson: I believe that we need to invest in our infrastructure and our workers; would like to point out that renters will be impacted the most by increases to utility bill. Suggests there could be a program for those that are low income and hopes Council will consider a way that water won't become unattainable for the average household.

Jan Neal: Over 40 people in the Rousseau Park have not been notified; I'm submitting 31 protest votes from the park; although there is likely not enough notices to satisfy the requirements to defeat 218. I want to know where money from the reserve fund goes to and whether the employees receive any vacation, bonuses, raises, or other perks from this fund.

Lisa Hoover: I understand the need to support facilities and staff, but wants to know if these rate increases will go to Funds 60 and 72? How will these infrastructure repairs compare to upgrades made within the Power Creek District? Hoover is concerned that only landowners were notified of this rate increase and objects against the rate increase at this time.

Hoover states that she may support the water rate increase if greater notice was given to tenants and landowners.

Jennie Short: I'm Protesting this rate increase because I feel that citizens are bearing the cost of this rate increase for infrastructure repairs. Property owners already pay property taxes to support infrastructure; if parcels outside the City limits want to be treated like City parcels with the same rate structure, they should be annexed. RCAC's study is severely deficient; I would support a reasonable and equitable rate increase.

Elise Scafani: The deficit began in 2021; what can be identified as the loss of revenue for 2021? How many protests must be received in order for the water increase to fail? There are multiple parcels that are City owned and I would like to know how those factor into the protest. Article 13 D A2, on page 36, maintains that tenants must be notified in the procedural chart. Equity is the responsibility of the City and staff should treat all Citizens equally. What year was the Barkley lawsuit paid off?

Colleen Farley: Would like to know why she did not receive a notice for this, and states that she spoke with 30 other people who did not receive notices. The City has collected money monthly since 1913 and wants to know where the money has gone.

Jeff Landen: The fact the city is not required to notify tenants and chose not to either, creates the illusion that the City doesn't care about it's renters and should take additional time

Option 2: This item can be placed on the upcoming Agenda for discussion/action conduct a second public hearing after it has been renoticed

Motion: To postpone the Proposition 218 Process and revisit the item at the next regular Council Meeting, October 25th, 2022; direct staff to provide the necessary documentation to reinstate the 218 process.

Motion by: Councilmember Curran , **Second:** Councilmember Finen

There were no comments from the Council

Vote: Ayes: Jones, Hogan, Curran, Finen, McCreath **Nays: Absent:** None

Motion Summary: Motion Passed

5. PUBLIC HEARING: Proposition 218 Majority Protest Process Relative to Proposed Increase to Water Rates – Discussion/Action

Motion to: Postpone the Proposition 218 Process and revisit the Item at the next regular Council Meeting, October 25th, 2022, directing staff to provide the necessary documentation to reinstate the 218 process.

Motion by: Councilmember Curran , **Second:** Councilmember McCreath

Vote: Ayes: Jones, Hogan, Curran, Finen, McCreath **Nays: Absent:** None

There were no comments from the Council

Public Comment:

Kent: Can each parcel vote? Would like to know the number of parcels needed to oppose the rates.

Manager Mager: Yes each parcel can vote.

6. Discuss Future Agenda Items

Alice Finen: Discussion on low-income household water assistance programs; staff to provide an update on similar programs that the City is eligible to participate in; ask Bridget Harris to attend the next meeting.

7. Adjourn

Motion to: Adjourn at 8:05PM

Motion by: Councilmember Finen, **Second:** Councilmember Curran

Vote: Ayes: Jones, Hogan, Curran, Finen, McCreath **Nays: Absent:** None

There were no comments from the Council

Public Comment: None

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CITY OF BLUE LAKE

CALIFORNIA

111 Greenwood Road

P.O. Box 458

Blue Lake, CA 95525

Blue Lake City Council Minutes

Tuesday, October 25, 2022 ~ 6:30 p.m. ~Regular Council Meeting
Skinner Store Building-111 Greenwood Road, Blue Lake-Behind City Hall

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

Meeting Called to Order at 6:30PM

1. Pledge of Allegiance and Establish a Quorum of the Council

Council Members Present:

Adelene Jones, Mayor
Chris Curran
Elaine Hogan, Mayor Pro Tem
Benjamin McCreath
Alice Finen

Staff Present:

Amanda Mager, City Manager/City Clerk
Emily Wood, Economic Development Coordinator
Ryan Plotz, City Attorney
Scott Gordon, City Accountant
Mike Foget, City Engineer

Public Present:

Jean Lynch
Bettina Eipper
James Brown
Anna Brown
Beckie Thorton
Ray
Jim Moorehouse
Elise Scafani
Ted Hales
Karen Barnes
Lisa Hoover
Peter Dagget
Elizabeth MacKay
Diana Lynn

Presenters:

Steven Luther HCAOG
Amber Wier (Norcal 4 Health)
Jay Macedo (Norcal 4 Health)

2. **Approve Agenda**

Motion: To authorize the Mayor to move items on the agenda as appropriate.

Motion by: Councilmember Finen, **Second:** Councilmember Hogan

There were no comments from the Council or public.

Vote: Ayes: Jones, Hogan, Curran, McCreath, Finen **Nays:** None **Absent:** None

Motion Summary: Motion Passed

3. **Council Meeting Protocols & Continuation of Zoom Meetings-Presentation/Discussion**

Ryan Plotz, City Attorney: Presents

AB 361: Allows Council to conduct meetings via Zoom, if the continued state of emergency that has been declared by the Governor remains in place. The Governor has stated he plans to rescind the emergency declaration in February 2023. The City of Blue Lake has not made the necessary findings on a monthly basis to continue the Zoom option for Council or Commissioners; all Council members and commissioners must attend meetings in person.

AB 2449: Amends the Brown Act, allowing less than a quorum of the council to participate remotely. Council can participate remotely if due to a “just cause” – such as emergency circumstances or health related issues. The act of Zooming in after AB 2449 due to a “just cause” can occur no more than 2 times per year.

Public Comment Best Practices:

- The Council must uniformly apply a time limit for each commenter;
- Public Comment should not become a Q&A session; commenters should make their comments or present their questions without back and forth dialogue from Council or staff;
- If there is a question presented to the Council, the Mayor/Council may direct the question to staff;
- Each speaker is allowed one opportunity to speak per item;
- Public comment is only offered once per item; Council can choose when to offer the opportunity for comment;
- If an individual exceeds their time allotment, the individual should be asked to stop their comment. The meeting can be suspended until the individual leaves the room or agrees to comply. The meeting can be resumed at the Mayor’s discretion the same day or at a later date.
- Robert’s Rules of Order must be followed to ensure equitable opportunities to provide comments or present questions
-

4. Public Comment:

Jean Lynch: Requested information regarding the Park & Recreation Commission meetings; states that the last meeting was in January 2020.

5. NorCal 4 Health Presentation:

Amber Weir (Upstream for Health) and Jay Macedo (Health and Social Policy Institute): Make presentation on healthy communities and how policy implementation can shift and shape health impacts in communities. Recommends implementing policies and goals as part of the City's housing element and facility policies, including smoke/vape free parks and community spaces. Policies can be implemented in affordable housing rules and regulations, and business licensing and conditional use permitting. Improving community conditions with laws, policies, and ordinances help solve the problems before they happen. Healthy communities create economic prosperity.

“3 Behaviors (lack of physical activity, poor diet, tobacco use) create 4 chronic diseases – cancer, stroke, lung diseases, type 2 diabetes that account for 50% of American deaths.”

Recommends that Council consider adopting health and safety policies and ordinances to protect the community, including second hand smoke legislation, flavored vape bans, tobacco ad limits and restrictions.

Public Comment:

Lin Glen: Appreciates the presentation and states that Blue Lake has been very progressive at protecting the community and City Staff with non-smoking and non-vaping ordinances.

6. Public Hearing: City of Blue Lake Unmet Transit Needs

Mayor Jones opens the public hearing; Stevie Luther, Humboldt County Association of Government representative, is in attendance to answer questions and receive comments; provides overview of the hearing process and its purpose. The City of Blue Lake contracts with the Blue Lake Rancheria for transit services; the public hearing process is a yearly process that helps determine and identify transit needs in Blue Lake and the County.

No comments received; hearing is closed by Mayor Jones.

7. Discussion and review of Water Rate Study and Proposed Water Rates

Mayor Jones reads the staff report; Ryan Plotz, City Attorney, provides an overview of the 218 process and provides recommendations on how to start the 218 process over.

Mayor Jones clarifies that the 218 process is a protest process; only one vote per parcel is allowed; you don't vote for the increase, you only protest against it. Mayor Jones ask for clarification on how residents will be noticed.

Ryan Plotz explains that the notice will be sent to property owners of record and customers of record, per Council's direction.

Alice Finen: Will the instructions be written in a way that's easier for people to understand?

Ryan Plotz: The instructions are standard, required language.

Elaine Hogan: We should make our language easier to understand.

Chris Curran: Can staff provide an estimate of the cost associated with implementing the State's program for the low income water assistance program?

Lizard: Would support raising the rates 1% more to provide a discount to low income rate payers; understands why the rates need to be increased.

Peter Daggett: Need to proofread the document to correct spelling errors; clarify the tiers to label them in 100 cubic feet; 6" meter was left out; is there a reason for this? The ¾" is proposed to increase; why are there different costs per meter size? The capital reserve fee is being removed, but is not included in the study.

Elise Scafani: Would like Jennie Short's comments to be addressed; what caused the system to start going in the red; how are the funds co-mingled to allow for operation and maintenance of capital reserves; what is the target for the capital reserve fee? States there is a great deal of missing information from the water rate study and thought Council would take additional time to examine the study. Suggests a pre-printed protest be included with the notice.

Colleen Farley: How many people did not receive the notice; I pay over \$90/month and I'm disabled and on a fixed income; can we increase over a longer time; it's more doable for people like me.

Comment Period Closed.

Motion: To accept the water rates as recommended by RCAC, reintroduce the rate proposal and set public hearing for December 20th; include notice to property owners and water customers of record; provide informational sheet to the community and set a tentative date of November 29th, 2022 for a community workshop.

Motion by: Councilmember Finen, **Second:** Councilmember Hogan

There were no comments from the Council or public.

Vote: Ayes: Jones, Hogan, Curran, McCreath, Finen **Nays:** None **Absent:** None

Motion Summary: Motion Passed

Council requests that notices be looked at for language and ease of readability.

Elaine Hogan:

Can you explain the money in the Capital Improvement Reserves and why it would not be sufficient enough to support our current water/wastewater system?

Manager Mager:

The Capital Improvement reserves are not sufficient to cover the infrastructure improvements needed to maintain and repair the systems. We have enough to leverage resources to bring in larger amounts of money through grants and outside funding. This is an enterprise fund and the City is not allowed to make money off water and wastewater programs. The rates are put in place to build a reserve to maintain and support systems but are not there to collect profit. The water tanks are an example of a capital improvement project; the tanks will cost over \$2 million to replace and the City's current capital reserve fund is not adequate to support the replacement costs; the fund, however, can be used to meet matching requirements for upcoming funding cycles and grant programs.

The City has a pond system that requires regular testing, constant pumping, and full time certified and licensed staff to operate. This rate study factors in inflation and future wage increases to ensure that the City can maintain necessary staffing to support the operation and maintenance of the system. The City has tried to keep the rate increase under \$20 to lessen the overall impact to the rate payer; we understand that costs across the board have increased, but the City has to ensure the integrity and operability of the systems. Many of the City's employees are Blue Lake residents and we will all be impacted by the rate increases.

Alice Finen: Would rate payers outside City limits have their rates decreased?

Manager Mager: Their rates will not be decreased, but the proposal recommends removing the outside City limits rate structure. Recent case law supports equitable rates amongst user groups based upon justifiable cost impacts. The City cannot justify charging more to account holders outside of the City limits as the cost of providing the water does not change from one side of the boulevard to the next. Based upon recent case law and our attorney's recommendation, staff is recommending that we remove this distinction. Water customers outside of the City limits pay more for their infrastructure at the time of hook-up; this is where the City collects the funds to account for the infrastructure impacts.

Alice Finen: Is there Low Income or Senior Assistance?

Manager Mager: The City works individually with every customer to ensure they have service. There is a low Income water assistance program through the State, however, the program only pays for arrearages, and is only a one-time program. During COVID-19, the City experienced a high number of water/wastewater delinquencies; the City could not shut off service and account holders accumulated high balances. The State offered a program to help pay qualified account holder's arrearages; the City incurred substantial costs to participate in the program, due to the accounting requirements of the State. This required a substantial amount of time from our City Accountant and finance staff and the cost to implement was almost more than was recovered.

Chris Curran: Has solar power been considered to help fund the treatment plant?

Manager Mager: Yes, the City is in the process of going out to bid for a solar installation at the treatment plant; we will be using CalOES funds to support the initial installation and hope to use future grants and capital reserve funding to increase the capacity. The City's power bill has steadily increased at the plant and this is an area that we hope to offset by using renewables.

8. Discussion and review of Wastewater Rate Study and Proposed Wastewater Rates

Peter Daggett: Suggests staff clean up the Wastewater Document from typos and outdated charges. States that the "Current Charges" are not accurate. States Adjustable Flow section includes errors. Suggests acronyms be eliminated from the document or better explained. States that the BOD charts are confusing and not accurate; the standard base rates for Industrial users are changed to actual BOD loading; if you expect people to review the document it should be explained better.

Motion: To Accept the Wastewater Rates proposed by Staff and Initiate the 218 Process

Motion by: Councilmember McCreath, **Second:** Councilmember Curran

There were no comments from the Council

Public Comment:

Vote: Ayes: Jones, Hogan, Curran, Finen, McCreath **Nays:** None **Absent:** None

Motion Summary: Motion Passed

9. Discuss and provide direction to Staff to re-initiate the Proposition 218 process regarding proposed wastewater rate increases, including setting of public hearing thereon and mailing notice to property owners and wastewater customers of record.

Motion: To Initiate the Prop 218 Process, sending notices out by November 4th with the Public Hearing taking place on December 20th; the notices to be sent to property owners and account holders of record; staff to address clarifications as presented during public comment.

Motion by: Councilmember Hogan, **Second:** Councilmember McCreath

Hogan: Fix typos and any acronyms in the informational packets and notices

Public Comment:

Peter Daggett: The rates proposed are incorrect in the packet.

Elise: Does the Council have additional information that the Public does not have? With all of the problems presented by Jennie Short, I'm surprised the Council is going forward without addressing them.

Vote: Ayes: Jones, Hogan, Curran, Finen, McCreath **Nays:** None **Absent:** None

Motion Summary: Motion Passed

City Manager Mager: The rate study process is an on-going process; the 218 process will set a ceiling for rate increases; as the City continues to monitor inflation, and grant opportunities it may be possible to adjust rates downward; if there are mistakes that are found through the review process, the City can address them. The rate study process has taken place over a year and a half; some of the data is now being updated as the City has actuals that weren't available at the time the study was started. The model that is being used to determine the proposed rates is fluid and will be used on an on-going basis; data will be fed into the model as numbers become available.

10. Medieval Festival Debriefing – Discussion

Council reviewed the letter submitted by Karen Barnes and Marty Schwartz regarding the Medieval Festival and the impacts to their property. Karen Barnes presents questions to the Council and the event coordinator, Bettina Eipper.

Karen Barnes: Did the School pay for the rental of the arena, basketball courts, serving booth? Was the fire department involved?

Bettina Eipper: Yes, Coastal Grove Charter School paid for the rental in full.

Karen Barnes: Why did the event move from the Christie Ranch:

Bettina Eipper: The ranch is operating with more livestock and the festival presents a big impact to their operation.

Karen Barnes: The event was insane; the setup was insane; the UPS driver was cranky; was the fire department involved?

Bettina Eipper: Yes, the Fire Department was involved and staffed the event. The fire department inspected the event and had to respond to a medical call. The event does get crowded at certain times; when the jousting happens it draws a big crowd all at once.

Lin Glen: We live two houses away, but it was a wonderful event; it was very busy and a bit noisy, but it ran well and the neighbors were very supportive; I hope that Karen's dust issue can be dealt with and that the event comes back next year.

Carlotta: I would like to extend appreciation from all of the groups that benefitted from the event; sorry about the dust at Karen's.

Bettina Eipper: The money raised from the event by the Blue Lake Saddle Club is donated back to the City to support the arena.

Adelene Jones: Was there any other complaints about the event?

Manager Mager: There was one phone call about traffic concerns and Bettina Eipper took care of the traffic complaint immediately. I was out of town during the event but I monitored my phone, checked in with staff and monitored social media for impacts. I was surprised to receive so much positive response to the event and with some modifications to deal with impacts experienced, and lessons learned, I hope that the event will return next year.

11. Councilmember Representation for Real Property Negotiations - Discussion/Action

Elaine Hogan: I asked to have this item placed on the agenda for discussion; I want to discuss when it's appropriate for a Councilmember to be involved in the discussion and at what point.

Manager Mager: Explained the current process, including an overview of staff's role in working with potential developers. Explained that the Council's role is limited at the beginning stages as this is the point at which a potential developer is working with staff regarding zoning, infrastructure, etc... Staff does not have the authority to obligate City property in any way; Council is brought into the discussion when a potential developer presents interest in moving further into ownership options. Currently, staff has brought three developers to the Council for consideration of a purchase and/or lease agreement. At that time, the Council has consulted with the attorney and designated a Council representative to participate in negotiations.

Lin Glen: I support Council being involved in negotiating and support the development of a monthly report that identifies development interest in City-owned properties.

No Action.

12. Review and Consider for Approval Exclusive Negotiating Agreement with James Brown and Jim Morehouse Regarding City Parcels APNs 025-201-009 and 025-201-019-Discussion/Action

Jim Morehouse and James Brown present a draft plan identifying their proposed development concept. They are proposing multiple "live/work" units, each with an additional apartment. The units would be developed and marketed for sale, or could be developed to suit based upon initial development/purchase interest.

Motion: To Authorize the City Manager, in consultation with the City Attorney, to execute the Exclusive Negotiating Agreement with Jim Morehouse and James Brown with the Mayor as a Council Representative on the negotiating team.

Motion by: Councilmember Hogan, **Second:** Councilmember Finen

Public Comment:

Vote: Ayes: Jones, Hogan, Curran, McCreath **Nays:** None **Absent:** None

Motion Summary: Motion Passed

13. Arts and Heritage Commission Application Review and Appointment Consideration - Discussion/Action

Applications for the Arts and Heritage Commission were received from the following individuals:

Julie Douglas – Commissioner Position
Patricia Sennott - Commissioner Position
Diana Lynn - Commissioner Position
Charis Bowman – Request Advisory Position
Randy Toroni - Commissioner Position
Jeff DeMark – Request Advisory Position
Gina Tuzzi - Commissioner Position

Motion: To Appoint Diana Lynn, Patricia Sennott, Julie Douglas, Gina Tuzzi, and Randy Toroni as Commissioners and appoint Charis Bowman and Jeff DeMark as advisory members.

Motion by: Councilmember Finen, **Second:** Councilmember Curran

There were no comments from the Council

Public Comment: None

Vote: Ayes: Jones, Hogan, Curran, Finen, McCreath **Nays:** None **Absent:** None

Motion Summary: Motion Passed

14. Consent Agenda:

- a. Warrants and Disbursements
- b. Council Meeting Minutes:
 - i. August 23, 2022 Draft Minutes
 - ii. September 27, 2022 Draft Minutes

Motion: To Pass the Consent Agenda as presented

Motion by: Councilmember McCreath, **Second:** Councilmember Hogan

There were no comments from the Council

Public Comment: None

Vote: Ayes: Jones, Hogan, Curran, Finen, McCreath **Nays:** None **Absent:** None

Motion Summary: Motion Passed

15. Council Correspondance:

Letter from Jan Neal

Letter from Karen Barnes and Marty Schwartz

16. Reports of Council and Staff:

Councilmember Finen: Nothing to report.

Councilmember McCreath: Nothing to report.

Mayor Jones: Attended HCAOG Meeting and an EDC Meeting. Received a report regarding Last Chance Grade and the 101 Corridor. The Chamber meeting was cancelled due to a lack of a quorum.

Councilmember Curran: There will be a PGE press release from PGE on Nov 1st regarding the Southern Humboldt electrical capacity situation

Mayor Pro-Tem Hogan: Nothing to report

City Manager Report:

City Manager Mager provided a written report and highlighted the reopening success of the Blue Lake Roller Rink; provided an update on revenue and overall park facility improvement projects.

17. Future Agenda Items:

- No meeting on November 22nd or 29th due to Thanksgiving holiday. The next meeting will take place on December 13th, 2022.
- Public Hearing for Water Rates on December 20th
- Exploring Staffing costs to implement a Low Income Water Program

18. Adjourn: Meeting Adjourned at 10:15 PM

Motion: To adjourn at 10:15 PM

Motion by: Councilmember Curran, **Second:** Councilmember McCreath

There were no comments from the Council or public.

Vote: Ayes: Jones, Hogan, Curran, Finen, McCreath **Nays:** None **Absent:** None

Motion Summary: Motion Passed



CITY OF BLUE LAKE

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AGENDA REPORT

Item #: 18
Date: December 13, 2022
Item Subject: Council Correspondence
Submitted By: Amanda Mager, City Manager

General Information:

A letter was received from Jean Lynch regarding Perigot Park and the Parks and Recreation Commission.

Background Material Provided: Letter from Jean Lynch

Fiscal Impact: N/A

Recommended Action: No action required

Review Information:

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

Comments:

RECEIVED

NOV 21 2022

Jean S. Lynch
420 Greenwood Road
Blue Lake CA 95525

Nov. 18th, 2022

City of Blue Lake CA council members
Blue Lake City Hall
PO Box 458
Blue Lake CA 95525

Dear Council Member;

It has come to my attention in the near past that the Park and Recreation Commission of the City of Blue Lake has not been in attendance since January 16th, 2020. Given the importance of this commission I am writing with my concerns regarding the function of this commission.

The property which consists of the Perigot Park area has a very historical story on the addition of properties owned by the City of Blue Lake. I invested some time and energy while on the council and in my capacity as Park and Recreation liaison, acquired an article of the bequeathing of this property to the city of Blue Lake by Miss Clemence Deschatres with stipulations as to the maintenance of the Greenwood Cemetery resting site of herself and others. I am enclosing an article on this matter which was noticed in the Sept. 12th 2019 meeting minutes which the name Jane Lynch is used. This is in fact my name Jean Lynch.

There is mention in the meeting of January 16th of 2020 of the planning and development of the park, I requested and received a copy of these minutes and was told on receiving them that this was the last ~~know~~ meeting of the committee.

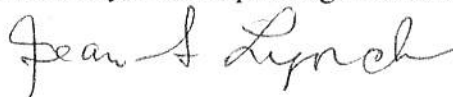
KNOWN

The function of the Park and Recreation commission is in the municipal codes of the City of Blue Lake, of which I helped undertake a part in ^{of} bringing the codes up to date for the city. There were many antiquated codes that needed addressing at that time which we endeavored to satisfy the usage of the rules for the city.

Please review The Blue Lake Municipal code 12.04.050 Picnic Area –Use and Municipal code 12.04.080 for specific authority and regulations of the Park and Recreation Commission. You will see a specific notice of the manner in which merchandising is allowed in the park. At this time I do not see that there is compliance with that regulation.

Given the history of the park, and the lack of participation of the city council in overseeing the municipal codes of the city, I am requesting a review of the practices of the council in this matter.

Jean Lynch,
cc:Ryan T. Plotz



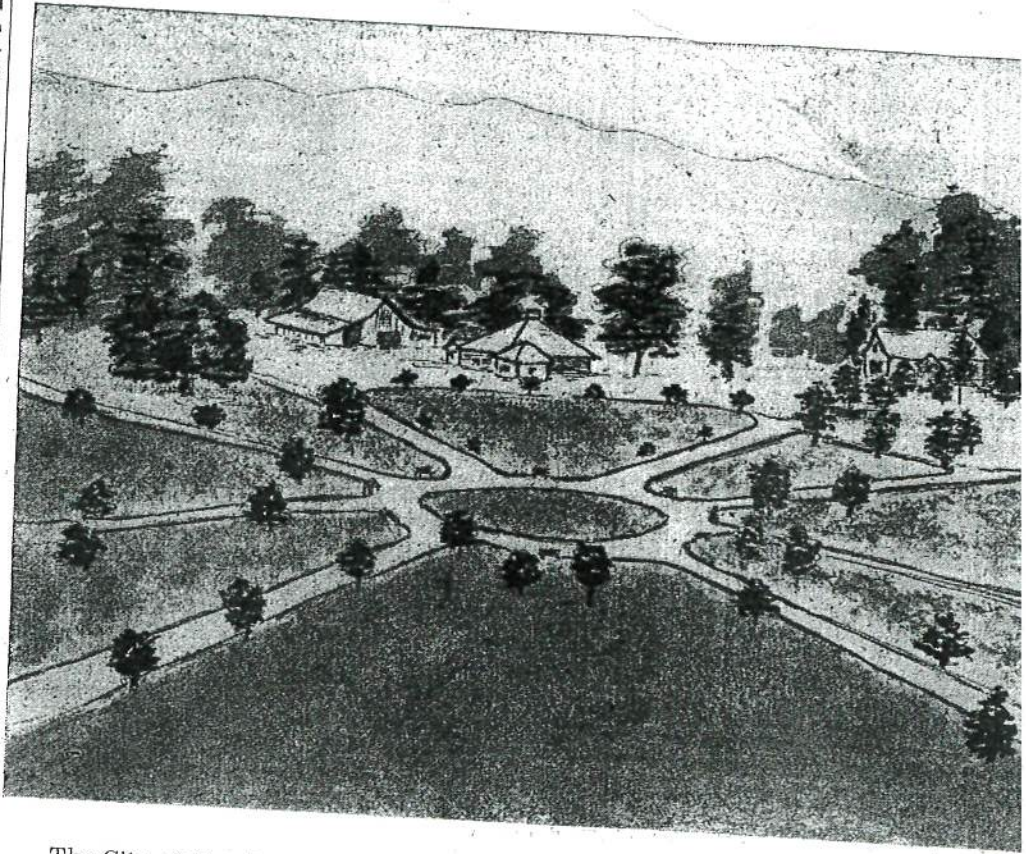
Clemence Park since 1914

The following is an extract copied from the Final Order of Distribution in the Matter of the Estate of Clemence Deschatres, Deceased, dated the 4th day of March, 1916 and signed by George D. Murray, Judge of the Superior Court, Department One, on permanent record in the Humboldt County Clerk's office:

"That said Clemence Deschatres left a Last Will and Testament bearing date the 10th day of July, 1913, wherein she devised and bequeathed all of her estate as follows:

"To the City of Blue Lake, a municipal corporation of Humboldt County, California, the following described real property to be used forever by the City of Blue Lake as a public park and to be called "Clemence Park", to-wit:

"Parcel of land bounded as follows: Beginning on the Northeastly side of the road known as Chartin's Private Road in the Northwest quarter of the Northeast quarter of Section 30, in Township 6 North of Range 2 East of Humboldt Meridian, at the most southerly corner of the parcel of land conveyed to Deborah Sharp by David P. Phillips and wife on September 31, 1892, by deed recorded in Book 43 of Deeds, page 513, records of Humboldt County; running thence in a North easterly direction along the Southeastly line of said land conveyed to Sharp and along the Southeastly line of land conveyed to Arcata and Mad River Railroad Company by Chartin by deed recorded in the Recorder's Office of Humboldt County in Book 49 of Deeds, page 427, and along such line extended, to the Westerly line of the Arcata and Mad River Railroad; thence along the Southwestly line of said railroad in a Southeastly direction to the Northwestly line of land conveyed to Paul Tappendorff by Chartin on April 17, 1889 by deed recorded in said Recorder's Office in Book 30 of Deeds page 554; thence in a Southwestly direction along line of said Tappendorff land to the Northeastly side of said Chartin's road; thence Northwestly along the Northeastly side of said road to the point of beginning, subject to the right of Daniel Favry of Blue Lake, California, to reside in the house on said premises and to use the enclosure around the house for garden purposes during his life time and subject to a life estate therein of Antoinette Chartin."



The City of Blue Lake today has a fine six-acre park because of the generosity of Clemence Deschatres whose only stipulation in making the gift was that it should be known as "Clemence Park."

The above picture shows the park after it had been developed with local citizens working together with Miss Berthe Perigot, who served as Park Commissioner for the city. The White House in the background, the home of the Clement Chartins, was built about 1880. Today the gardens have been turned into a ball diamond, a recreation hall is nearing completion, and picnic grounds have been provided under a small grove of shade trees. Against the legal stipulations for ownership made in Miss Clemence's Will and in her will, the park was dedicated as "Perigot Park" on Memorial Day, May 30, 1958.

Since changed to Clemence Park

Handwritten signature or initials at the bottom of the page.