

**SUMMARY MINUTES OF A REGULAR MEETING OF THE TRINIDAD CITY COUNCIL**  
**TUESDAY, MAY 23, 2006**

**I. CALL TO ORDER/ROLL CALL**

Mayor Lin called the meeting to order at 7:33pm. Present were Councilmembers Bowman, Heyenga, and Cuthbertson. Councilmember Marlow was absent. Staff present were City Attorney Jeff Guttero and, later, Police Chief Ken Thrailkill.

**II. PLEDGE OF ALLEGIANCE**

Mayor Lin led the Pledge.

**III. APPROVAL OF AGENDA**

Bowman asked that the item on spending limits be moved to the end of the agenda so the Police Chief could be present. Heyenga asked that a new item regarding the Disadvantaged Business Enterprise program be added to the agenda. He found out about a June 1 required deadline during a conference call Friday, May 19. Since the call occurred after the agenda was posted, and since a form must be submitted to Caltrans before the next Council meeting, the item qualifies to be added. Materials about the item are available to the public and were distributed to the Council.

*Motion (Cuthbertson/Bowman) to add the DBE item to the end of the agenda. **Passed unanimously.***  
*Motion (Cuthbertson/Heyenga) to approve the agenda as amended. **Passed unanimously.***

**IV. ITEMS FROM THE FLOOR** - there were not items from the floor.

**V. CONSENT AGENDA**

1. Resolution 2007-07: Authorize the County of Humboldt to submit Used Oil Recycling Block Grant to the CIWMB on behalf of the City of Trinidad. (City Clerk)
2. Resolution 2006-08: Request that the City of Trinidad join the County of Humboldt for the November General Election. (City Clerk)
3. Resolution 2006-09: Authorize the City of Trinidad to implement the National Incident Management System (NIMS) for disaster response. (Police Chief)

*Motion (Heyenga/Bowman) to approve the Consent Agenda items as submitted. **Passed unanimously.***

**VI. AGENDA ITEMS**

1. Discussion on Hoopa Valley Tribe's request for representation in HCOAG. (Lin)

Mayor Lin introduced the item and reviewed his memo in the packet. Lyell Marshall, Hoopa Tribal Chairman, and Jackie Hostler, Hoopa Valley Roads Director, showed a Power Point presentation on tribal history and organization. They explained Hoopa's road system and the variety of funding sources for road maintenance.

Lyell discussed issues of taxation, Brown Act, and liability in regards to HCOAG membership. Hostler stressed that collaborative road projects using federal and state funds results in better maintenance, especially in areas where parts of the same road are under Indian jurisdiction and other parts are under County control.

Spencer Clifton, HCOAG's Executive Director, described HCOAG's many programs and said that transportation planning and projects make up about 95% of the agency's business. Clifton said allocation of HCOAG's resources is based on population and road miles. If a new member joined Trinidad's share of those resources would not be affected, although the County share could be decreased. He stressed that HCOAG's Board had allocated funds to the Native American community in the past and had never withheld funds from the Tribes if they were eligible. Heyenga asked Clifton what effect new members, tribal or otherwise, would have on HCOAG's operation. Clifton replied that a larger Board would not change HCOAG's purpose but there could be future policy changes. He also noted that HCOAG's Board formed a subcommittee to look into "screening parameters" for new members.

Public comments:

Nine members of the public spoke, all in support of Hoopa's joining HCOAG. Shirley Laos of the Trinidad Rancheria stated that the Trinidad Rancheria will not seek a seat on the HCOAG Board since they have no roads department or road employee. She added that each Tribe makes its own determination regarding HCOAG.

*No action on Agenda item #1 was required and the Council took up item 2.*

2. Discussion/decision on direction to HCOAG representative regarding how to voter on Hoopa request to join HCOAG. (Heyenga)

Heyenga introduced the item identifying two separate issues: first the Council's position on Hoopa's request to join HCOAG, similar to Agenda item #1, and second the issue of whether the Council could instruct a representative to follow a Council majority's decision.

City Attorney Jeff Guttero submitted an opinion on the Council's ability to instruct a representative's vote, but cautioned the Council that his opinion could be discussed in open session only if the Council waived privilege, which he advised against. The Council did not waive privilege and did not discuss the Attorney's opinion.

After some discussion of the representation issue, audience comments caused the Council to return to Hoopa's request and settle that issue first. There were additional questions of Spencer Clifton regarding HCOAG's procedures and the effect of new members. The Council then closed public comment and took up the issue of Hoopa's request to join HCOAG.

Council comments:

Cuthbertson thanked Hoopa's representatives for their presentation and noted that this issue should have been brought to the Council earlier.

Bowman also appreciated the presentation and said he had learned that if HCOAG's membership grew, Trinidad's share would not be diluted. Clifton added that if the Board approved Hoopa's application, the JPA agreement would have to be amended and sent to the Board of Supervisors and all City Councils for ratification; the debate would be held at each local level.

Heyenga added his thanks to all the presenters. He stated that a resident's implication that racism was part of discussing Hoopa's application was objectionable and demeaning to the Tribe, since they deserve to be given the same objective consideration, equal treatment, and level of engagement as any other agency.

*Motion (Cuthbertson/Bowman) to support Hoopa Valley's application to become part of HCOAG.*

**Passed unanimously.**

*The Council did not return to the issue of representatives voting according to Council direction.*

3. Discussion/decision on spending limit policy. (Heyenga)

Heyenga introduced the item, noting that this was not "his" issue but one the Council wanted discussed. He distributed a revised wording, based on conversations with the Police Chief. The Chief's concerns involved a policy that hampered a department head from working with his already approved budget. The Chief also felt the \$500 was too low. Heyenga stressed that the proposed policy was meant to cover only Councilmembers, not employees.

Public comments:

**Don Blue:** The policy should include employees also to preclude either employees deciding on their own to overspend or to allow a Councilmember to direct the employee to overspend.

**Richard Johnson:** Better line item descriptions will clear up many spending issues; there must be accountability for budget spending and the discipline to put the right information into the budget.

Council comments

Lin raised the possibility that a Councilmember could approve a series of \$500 expenditures, running up a total far above the limit. He also raised the issue of dealing with emergency situations.

Cuthbertson wants to help department heads keep within their budget and if they need additional funds to ask the Council.

Heyenga said that with better budget descriptions and accountability we might not need any such policy.

Bowman proposed additional wording to add employees and deal with emergency situations. His proposal read:

No Councilmember or City employee may authorize an expenditure over \$750 for projects, equipment, or supplies. Specific projects, equipment, or supplies clearly described by line items in the approved budget are exempt from this policy and may be funded as described in the budget. Emergency situations are exempt from the spending limit.

Motion (Bowman/Cuthbertson) to approve Bowman's revised wording. **Passed unanimously.**

4. Discussion/decision to submit Disadvantaged Business Enterprise (DBE) form to Caltrans. (Heyenga)  
Heyenga introduced this item, which was added to the agenda for reasons explained in Approval of Agenda. The form states that Trinidad agrees to participate in Caltrans' "race neutral" DBE program and lists a liaison officer. Heyenga explained the rationale for suggesting City Engineer Steve McHaney as the liaison officer, to which McHaney has agreed. The form is due to Caltrans by June 1. A second form is due June 15, but that form can be on the Council agenda for the June 14 meeting.

Motion (Heyenga/Cuthbertson) to approve Trinidad's participation in the "race neutral" DBE program, to designate City Engineer Steve McHaney as the DBE Liaison Officer, and to authorize the Mayor to sign the form on behalf of the City. **Passed unanimously.**

5. Discussion regarding monthly costs for new library. (Heyenga)  
Heyenga introduced the item, noting that two members of the library planning group were in the audience. Projected monthly costs for operating a new branch library were based on operating costs of the new McKinleyville branch library. One unknown is the annual lease fee to be charged by the property and building owner, the Humboldt North Coast Land Trust. Lin questioned whether this Council could commit future Councils to spending.

Public comment:

**Don Blue** – Trinidad

A Council can commit future Councils to expenses such as decisions in recent litigation; the library used to be "free" in the Church and now costs the City \$4000 a year; the community is asking for the Council to decide if Trinidad wants a library.

**Roland Johnson** – Museum Society

Energy efficient designs could lower energy costs; per capita, the Trinidad Branch Library is the most used branch in the County.

**Dwight Miller** - Trinidad

Does the library serve only Trinidad residents? (Answer - "no, it has a wider service area.")

**Lorraine Cook:** use in the former location is higher than it is now; use by elderly and young children is limited by school hours.

The Council took no action on this item. Heyenga said the issue is being discussed at joint planning meetings involving the library committee, Land Trust, Museum Society, and City. At a future meeting the Council will be asked to decide whether or not to support maintaining a new branch library. Cuthbertson suggested we put \$6000 in the upcoming budget to cover library expenses.

6. Discussion/decision on building permit processing to encourage solar energy installations. (Heyenga)

*This item was continued to a future meeting.*

### VIII. ADJOURNMENT

There being no further business before the Council, Mayor Lin adjourned the meeting at 11:08pm

Submitted by:

Approved by:

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**Dean Heyenga**  
Councilmember

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**Chi-Wei Lin**  
Mayor

