

CITY OF TRINIDAD  
ATTENTION: Clerk  
CC: Manager, Council  
August 1, 2023

REGARDING: CITY OF TRINIDAD APPEALS  
August 2023, City Of Trinidad Council Meeting, Public Comment Period

Please include, and post in the public comments section on our new website.

Mike Morgan  
Former City Councilman / Intended Candidate, November 5, 2024.  
WWW.COUNCILGUYSMIKE.US

## City Appeals Processes

*If we can, shouldn't we do better?*

There should be a section dedicated to appeals on our website. At each stage of governance, residents have an absolute right to due process, including the right to fair and impartial appeals. Morals and values matter, most. Right versus wrong, good versus bad, all logic should proceed from morality. Aggrieved persons should have easy access to publicly stated procedures, forms and requirements. Every decision from Planning through City Resolutions and Ordinances should include clear, concise information on the appeals process.

### **Political Transparency & Accountability**

I'll first mention that I intend to run for City Council in next year's election. Why mention this now? The two expiring councilmember terms are currently occupied by corrupt and ethically challenged individuals who sued me and my business, and I may end up running against them.

How does this relate to City Appeals? Had a forthright, easily accessible and legally required appeals process been in place, there likely would have been no unprecedented lawsuits with their abusive waste of time, tax payer money and goodwill. The corrupt City Manager and City Lawyer, both whom I'm shocked are still employed and retained by this new City Council, would have not blown up our annual legal budget over \$100,000, after years at \$5,000. Also likely with a better appeals process —including more timely and complete notifications and less plotting behind closed door sessions— our lodging businesses would not have been as hurt by 6 months of income lost from two egregiously deficient City Short Term Rental, STR Moratorium closures.

### **Planning Appeal - Council Appeal**

My prompting issue concerns appealing City Planning decisions to the City Council. This seems relatively straightforward, so why do I now expand my request to include our City Council appeals process? Quite simply, concurrently addressing both processes would preempt another fiasco. The City already spent unprecedented time and money with its lawfare against me. In addition to 6 months of lost income from STR taxes, it also risked losses from counter lawsuits related to its poorly written and misused 2020 STR Moratorium Urgency Zoning Ordinance. I'll provide accompanying information and documentation relating to my negative experiences at our next meeting. That "taste" will show the crazy amount of time we all wasted fighting City mistakes and corruption.

Lawfare and adversarial City actions should and can be easily avoided. A clear set of appeal procedures and requirements and up front notifications are required. Emotionally driven City actions are inevitable and will inevitably create problems. A better appeals process will preempt some of these problems.

### **We can, and should, do better.**

There should be a section dedicated to all City Of Trinidad Appeals on our website.

8:36



 http://www.trinidad.ca.gov/



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CALIFORNIA

*appeals*



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*appeals*



## Search

Your search returned no results.

**From:** [cityclerk@trinidad.ca.gov](mailto:cityclerk@trinidad.ca.gov)  
**Date:** July 28, 2023 at 9:48:32 AM PDT  
**To:** M M <[mike.dump@icloud.com](mailto:mike.dump@icloud.com)>  
**Subject:** [FWD: Appeals]

Here's the section on appeals, Mike...

----- Original Message -----

Subject: Appeals  
From: Trevor Parker <[tparker@shn-engr.com](mailto:tparker@shn-engr.com)>  
Date: Thu, July 27, 2023 5:39 pm  
To: cityclerk <[cityclerk@trinidad.ca.gov](mailto:cityclerk@trinidad.ca.gov)>

### **17.72.100 Appeals.**

In the case of any variance, conditional [use](#) permit, design review permit, [coastal development permit](#), or denial of a proposed change in the zoning map by the planning commission, and in the case of any order, requirement, decision or other determination made by any [city](#) employee, the procedures for appeals shall be provided as follows:

A. Administrative Actions Appealable. Any [person](#) aggrieved by a determination, interpretation, decision, decree, judgment, or similar action taken by a [city](#) employee under the provisions of this title may appeal such action to the planning commission within 10 working days of being notified of the decision.

B. Planning Commission or Hearings Officer Actions Appealable. Actions or appellate determinations of the planning commission may be appealed to the [city](#) council by those interested [persons](#) who have communicated their comments at the planning commission or hearings officer hearing.

C. City Council Actions Appealable. Actions or appellate determinations of the [city](#) council representing the approval of a [coastal development permit](#) pursuant to TMC [17.72.080](#) may be appealed to the [Coastal Commission](#) for the reasons cited, and if the subject property is located within the area described in Public Resources Code Section [30603](#). Requirements for appealing decisions shall be as provided in the [Coastal Commission](#) regulations.

D. Filing Requirements. Appeals to the planning commission, hearings officer or [city](#) council shall be addressed to the appellate body on a prescribed form and shall state the basis of the appeal. Appeals shall be filed in the office of the [city clerk](#) within the appeal period provided in TMC [17.72.060](#). There shall be no fee for filing an appeal. The [city clerk](#) shall determine from the records whether the appellant submitted comments on the issue being appealed to each previous appellate body. Only if such comments have been submitted shall an appeal be accepted, unless the appellant can demonstrate that there were valid reasons why he could not attend the hearings or submit written comments.

E. Notice of Hearing. A public hearing shall be conducted on all appeals. The notice and conduct of hearings by the appellate body shall be governed by the provisions of TMC [17.72.110](#), [17.72.120](#) and [17.72.130](#) and shall conform to the manner in which the original notice was given and the original hearings were conducted, if any.

F. Time Limitation and Vote. The planning commission, hearings officer or [city](#) council shall determine an appeal not later than 60 days following the date of the hearing. If both the applicant and the appellant consent in writing, the time limitation for a decision may be extended from time to time. The action from which an appeal is taken may be reversed or modified only by the affirmative vote of a majority of the authorized membership of the appellate body.

G. Failure of Appellate Body to Act. Failure of the appellate body to act within the time specified shall be deemed concurrence with the previous decision rendered.

H. Conditions and Findings. The appellate body may impose or prescribe conditions as are in its opinion necessary to serve the objectives of this title. The appellate body shall make a written determination of its decision together with its findings in support of the decision. [Ord. 166 § 7.14, 1979].

**Trever Parker, AICP**

Senior Planner

Trinidad City Planner

Civil Engineering, Environmental Services,  
Geosciences, Planning & Permitting, Surveying

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