

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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Your search returned no results.

From: cityclerk@trinidad.ca.gov
Date: July 28, 2023 at 9:48:32 AM PDT
To: M M <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>
Date: Thu, July 27, 2023 5:39 pm
To: cityclerk <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

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[Print](#) | [Close Window](#)**Subject: 8-22 Council Meeting Public Comments - Hakenen****From: Aaron Hakenen <ahakenen@gmail.com>****Date: Tue, Aug 22, 2023 2:55 pm****To: Trinidad City Clerk <cityclerk@trinidad.ca.gov>****Cc: citymanager@trinidad.ca.gov**

Gabe & Councilmembers (BCC'd on this email),

I'm not sure if I will be able to show up tonight as it is also Freshman orientation for my daughter and that takes priority for us!
I'm sure you are all heartbroken!!!

Here are my public comments for tonight's agenda.

IX. Discussion/Action Agenda Items

1) Continued Discussion/Decision regarding Traffic Calming Measures for View Street, Ocean Avenue, and Underwood Drive.

Thank you for continuing to pursue this item and keep the ball moving forward - as I have shared, all of our streets have speed issues and without realistic enforcement by Law Enforcement, passive measures are a great next step to help enhance the roadway safety of everyone. I hope that you do decide to support the staff recommendation and would be happy to have one placed in front of my residence.

Editorial comment: I do again question the need to have a "trial period" for this project but not for others related to traffic safety such as stop signs and crosswalks that have been or will be installed elsewhere in town. I respectfully suggest that public meetings, noticed agendas and the like are the standard opportunity for input that has been used in the past and don't understand why this project was chosen to be held to a different standard.

Also I sincerely hope that if the city has not already partnered with the school that they do so **this week** to help educate parents of the desired route back out of town and to bring awareness to the issue of our 15MPH speed limits on most streets in town and an amount of distracted driving (looking at cell phones) when leaving town after dropping their kids off - I'm sure the school is already sending out information to parents as school starts in less than a week.

3) Discussion/Decision regarding CERT Program Participation

As a city resident and volunteer and career first responder, this is a great program and would greatly enhance the resiliency of our community both within city limits as well as the greater area - My opinion, a team north of McKinleyville can only be successful if it casts a wide net for membership and response area - we struggle to have members of TVFD so clearly we don't have the depth to add something like this on our own. Please vote yes to invest in our community - we need to see the benefits beyond city limits on this one.

I have met with Larry once since this was last on your agenda and we began the process of brainstorming some paths forward and I look forward to continuing to work with him if the city moves forward - there is no other entity capable of supporting this type of team that I can think of, and future costs can be addressed potentially through grant funding as well as fundraising activities.

5) Discussion/Decision regarding City Manager Contract Renewal

This is already probably on your radar as a Council, but if not I want to take the opportunity to suggest the following:

Given the general nature of the "Duties of the Employee" contained in section 2 of the employment agreement, perhaps a greater degree of specificity as to what successfully accomplishing those duties looks like would be a good step to take. Without guidance like this, it is informally up to the interpretation of any City Manager to decide what each of these "duties" consists of, setting up a potential opportunity for unmet expectations/needs.

I'd also suggest adding in some specific language directing the City Manager to develop long range plans to enhance the long term sustainability of the City as an entity, be it economic, population related, exploring annexation, etc. type of stuff. While that is also the purview of the Council at large, a City Manager is also likely a good source of long-range planning, consistent with

best practices in the industry and able to utilize their network of connections to develop ideas that can help our town. It's not adequately addressed in section K as that speaks only to long range planning of physical infrastructure.

Please also make your guidance a publicly available memo/document so that all of your constituents know what are reasonable and unreasonable expectations of the City Manager as well as what expectations you have set.

Finally, like all laws, regulations, expectations, without "enforcement" or better stated accountability, they are likely to be ineffective and/or unmet. Perhaps more periodic formal reviews/check-ins of performance (quarterly?) are warranted to ensure that the City Manager is meeting the expectations of the Council/Citizens and carrying out their will. This would provide an opportunity to provide direction/feedback more timely than once a year at agreement renewal time.

Ok - that's everything, thank you for listening and considering what I share and thank you for your time and commitment to the City and all of our citizens. We may not agree on all the content above, but so long as it is heard and considered when making decision for the city as a whole, I believe that our democratic process is working!

Respectfully,

Aaron

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