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May 30, 2013

Mayor Frank Jager
City of Eureka
Sent via Email:
fjager@ci.eureka.ca.gov

Mayor Sherman Schapiro
City of Blue Lake
Sent via Email: shsch@gmail.com

Mayor Doug Strehl
City of Fortuna
Sent via Email:
dstrehl@earthlink.net

Mayor Jack Thompson
City of Rio Dell
Sent via Email:
jthompson@riodellcity.net

Mayor Shane Brinton
City of Arcata
Sent via Email:
sbrinton@cityofarcata.org

Mayor Stuart Titus
City of Ferndale
Sent via Email:
stuartptitus@gmail.com

Mayor Julie Fulkerson
City of Trinidad
Sent via Email:
juliefulkerson@mac.com

Marcella Clem
Executive Director of HCAOG
Sent via Email:
marcella.clem@hcaog.net

**Re: Request for Rescission of May 16, 2013 Appointment of
Alexandra Stillman to North Coast Railroad Authority
Board of Directors**

Greetings:

It is with some regret that I must write this letter. However, because certain actions taken at your May 16, 2013 meeting appear to be clear violations of the Mayors City Selection Committee Rules and Procedures I must insist, on behalf of many other concerned citizens, that the selection of Arcata City Councilwoman Alexandra Stillman as the Humboldt County Citys' representative seat on the North Coast Railroad Authority Board of Directors be rescinded and/or voided. I ask that you do so for the following reasons:

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1. In your Rules and Procedures attached as Exhibit A, Section X. D. "Procedure for Nominating and Selecting City Representatives" provides that:

"In order to facilitate the selection of City representative appointments and their nomination processes, candidates may submit a letter to HCAOG staff expressing their intention for seeking appointments by the Committee. Candidate correspondence shall be submitted to HCAOG at least three weeks prior to the date of the scheduled meeting. This will provide adequate time to include nominee statements in the appropriate agenda mailings."

[Note: It appears that since the words "or at a date determined by staff" were added on May 16, 2013 to the end of the second sentence in the text of section D after the vote in which Stillman was purportedly selected, said amendment could not be applied retroactively]

2. For a person to be eligible to serve as the Cities' representative on the NCRA Board of Directors, the NCRA Policy for selection and Appointment of Cities' Representative on the NCRA Board of Directors, adopted on March 13, 2013 by the NCRA Board of Directors (attached as Exhibit B), Section 1 of said policy requires that:

"The City representative shall be committed to fulfilling the mission of the NCRA by "maintaining railroad service to the north coast area of California" as stated in the NCRA enabling legislation."

By her public statements for quite some time now, Alexandra Stillman has disqualified herself from serving on the NCRA Board of Directors. Although I understand that Alexandra Stillman has recently declared her support for passenger rail service between Eureka and Arcata, I believe she has consistently and vocally opposed the return of freight service to Humboldt County and would certainly be contradicting her previous statements if she were to claim otherwise.

3. The application of Alexandra Stillman (attached as Exhibit C) to the City Selection Committee was dated May 6, 2013 and received May 7, 2013. The application letter of Douglas F. Strehl (attached as exhibit D) was dated May 3, 2013 and received by HCAOG May 7, 2013. From the dates of these letters, it is clearly evident that neither the application of Stillman nor the application of Strehl complied with Section X. D. Therefore, both applications were invalid, and the votes on their applications were likewise invalid.

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4. It should be noted that in her May 6th letter to the "City Selection Committee" Ms. Stillman applied to fill the seat on the "Northwest Railroad Authority Board" not the seat on the North Coast Railroad Authority. I believe it is always important that applicants for positions know the correct agency or entity to which they are hoping to be appointed. Whether Ms. Stillman's misunderstanding provides additional and sufficient basis to find her to be unqualified for the position is perhaps another matter for consideration.

5. Finally, I have difficulty squaring the third paragraph of the Memorandum (Attached as Exhibit E) dated April 8, 2013 with the language of Section X. D. of your Rules and Procedures. Please provide me with an explanation of the genesis and basis for the apparent contradiction and inconsistency.

I note that in your Rules and Proceedings, Section XII-Notice of Meetings provides that the notice requirements set forth in the Ralph M. Brown Act (Government Code §54950 et seq.) are operative for the Mayor City Selection Committee.

It is my understanding that on May 16th your selection committee voted on Agenda Item #4 prior to voting on Agenda Item #5. Please advise if I am correct in my understanding in this regard. If the reverse is true i.e., that Item #5 was voted on prior to Item #4, I would like to understand why a change in the order of items on the agenda was made and by what method such change was conducted.

It is my hope that the May 16th selection of the Humboldt County Cities representative to the North Coast Railroad Authority Board of Directors can be rescinded and/or voided by your Committee's corrective actions. I would hope litigation can be avoided regarding this matter.

Feel free to contact me if you have any questions.

Very truly yours,


William G. Bertain

WGB:bpo

cc: David Tranberg, Esq.

Debra Dees

Siana L. Watts

Enclosures

October 2000
January 2003
9-22-11
5-16-13

MAYORS CITY SELECTION COMMITTEE RULES AND PROCEDURES

In order to provide for more expeditious handling of growing public business, these Rules and Procedures are adopted (Proposed) by the Mayor City Selection Committee for Humboldt County pursuant to Government Code Section 50275. Wherever possible these rules are to be construed generally. For purposes of the Mayor City Selection Committee procedures, meetings shall be coordinated through the Humboldt County Association of Governments (HCAOG). In the following sections, references to the Mayor City Selection Committee shall be shown as "Committee"; and all references to "Clerk"; Secretary" and "Recording Officer" shall mean such HCAOG staff who have been designated as Deputy Clerk of the Board of Supervisors.

I. MEETINGS

- A. The Committee shall meet ~~annually~~ semiannually in regular session sessions on the ~~third fourth Thursday in of April. and the fourth Thursday of October.~~ Except when the location of the meeting is otherwise provided in the agenda, meetings will be open sessions conducted prior to regular meetings of HCAOG.
- B. Business shall be conducted commencing at 3:30 p.m.
- C. The order of business for the Committee shall be as arranged by HCAOG staff, except for matters specified by the Chairman.
- D. A matter not on the agenda will not be considered pursuant to the Brown Act. However, a member of the public may address the Committee during the Public Comment Period. There will be no formal action taken on such matter at that time, but may be referred to a future meeting date.
- E. When the mayor of a city is unable to attend a meeting of the Committee, the mayor shall designate, following his or her own body's rules, another member of the city's legislative body to attend and vote in the mayor's place as his/her representative.
- F. Whenever the offices of both Chairman and Vice-Chairman are vacant, an organizational meeting shall be conducted with the Clerk serving as temporary Chairman until the Committee has selected a Chairman, pursuant to Government Code 50273.

II. QUORUM

A quorum shall consist of a majority of eligible cities. There are seven eligible cities in Humboldt County entitled to representation on the Committee. Eligible cities include the cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna, Rio Dell, and Trinidad. A quorum shall consist of four Committee members.

City representative selections for the North Coast Unified Air Quality Management District shall include the participation of Crescent City, in which a quorum would consist of five Committee members.

In order for the Committee to conduct its business, a quorum of members shall be necessary. Whenever a quorum is not present, the meeting shall be postponed or adjourned to a subsequent time and place, as determined by the Chairman or the Clerk. The Committee, in its role to select various city representatives for multi-county positions, may include additional representatives from cities in those respective counties.

III. ATTENDANCE AND RECORDS

- A. The Clerk shall be present at all meetings of the Committee, and shall act as the permanent secretary and recording officer.
- B. All votes and actions of the Committee shall be recorded in writing by the permanent Secretary. Such written record shall include the name of each member and how he/she voted. All records of the Committee shall be public records.

IV. PROCEDURES

- A. Except with respect to an organizational meeting, the Committee shall work from an agenda prepared in accordance with Section V.
- B. At the first HCAOG meeting in April of each even numbered year, a Chairman and Vice Chairman shall be elected by a majority vote and shall serve for a term of two years. In their absence or inability to attend, the members of the Committee present shall select another member to act as Chairman pro tem.
- C. When motions are made by Committee members, the motion shall be stated to the Clerk by the moving Committee member.
- D. No question on a motion shall be debated or put unless the motion has been seconded. When a motion is seconded, it shall be stated by the Chairman before debate.
- E. A motion having been stated by the Chair shall be deemed to be in possession by the Committee, but it may be withdrawn at any time before decision or amendment with the assent of the second.

F. When a question is under debate no motion shall be received unless

1. To Adjourn.
2. To table.
3. To consider the previous question.
4. To postpone to a certain date.
5. To commit to Committee.
6. To amend.
7. To postpone indefinitely.

These motions shall have preference in the above order.

G. A motion to adjourn or a motion to fix time of adjournment shall be decided without debate.

H. A motion to refer or lay on the table until it is decided shall include all amendments to the main question.

I. A motion to consider the previous question shall preclude any amendment from debate to the main question and shall be put in the form "shall the main question be put to a vote."

J. A member called to order shall relinquish the floor unless permitted to explain, and the Committee, if appealed to, shall decide on the case, but without debate. If there is no appeal the decision of the Chair shall be final.

V. COMMITTEES

A. The Chair, with majority consent of the Committee, shall appoint subcommittees at such times as he/she deems necessary for the proper conduct of the business of the Committee, provided that any appointments required by State law shall be made by the first HCAOG meeting in April.

B. All orders of the Committee relative to subcommittees shall specify the purpose, the length of time the subcommittee shall serve and the times and methods by which they shall report to the full Committee.

C. No subcommittees appointed by the Chairman shall include in their membership more than two Committee members, but may include within their membership any number of other City or County officials or public members.

D. The Chairman of the Committee shall be an ex-officio member of all subcommittees appointed pursuant to the foregoing rules and the Chairman is hereby empowered to call meetings of such subcommittees at such times as may be mutually agreed upon by a majority of the members of any such subcommittee.

VI. AGENDAS

- A. Agendas for the Committee will be prepared by HCAOG staff, who shall have discretion as to when and what items shall be included while working closely with the Chairman.
- B. Items to be included on the agenda shall be submitted to HCAOG at least three weeks prior to the date of the scheduled meeting. This will permit inclusion of such agenda items in the two weeks' notice of Committee meetings required by Government Code Section 50278. Agenda requests referred to in paragraph B above shall be submitted in such form and contain such information as HCAOG staff shall prescribe.

VII. REFERRALS

Items referred to individual subcommittees for action by the Committee shall be routed through the HCAOG staff who shall also inform the Committee at each meeting as to the current status of such communications, and as to which subcommittees' final reports are still outstanding.

VIII. REVIEW

The HCAOG staff and counsel shall occasionally review these Rules and Procedures and make recommendations for change to the Committee for revision.

IX. AMENDMENTS

Amendments to these Rules of Procedures shall be by four-sevenths vote of the Committee.

X. PROCEDURE FOR NOMINATING AND SELECTING CITY REPRESENTATIVES

- A. Positions to be filled by nomination from elected legislative bodies of the Committee.
- B. If the candidates should be a member of the Committee he/she may, but need not, disqualify himself/herself from participating in the voting and the member's alternate is authorized to serve and vote in his/her place for the meeting.
- C. Final voting on city representatives will be by process of elimination until a majority vote of the Committee members is reached.
- D. In order to facilitate the selection of city representative appointments and their nomination processes, candidates may submit a letter to HCAOG staff expressing their intention for seeking appointments by the Committee. Candidate correspondence shall be submitted to HCAOG at least three

weeks prior to the date of the scheduled meeting or at a date determined by staff. This will provide adequate time to include nominee statements in the appropriate agenda mailings.

XI. SPECIAL MEETINGS

The Chairman may call a special meeting of the Committee at any time, and the Chairman shall call a special meeting of the Committee upon the written request of fifty percent (50%) of the members of the Committee. When the Chairman is required to call a special meeting pursuant to this section, the meeting shall be called and held within sixty (60) days after receipt of such written request. Within three weeks prior to the date fixed for the special meeting of the Committee, the Chairman shall notify the Clerk of the date, time and place of the special meeting. The Clerk shall give all other notices of the special meeting as required by law.

XII. NOTICE OF MEETINGS

At least two weeks prior to the date of any meeting of the Committee, the Clerk shall give notice of the meeting to each member of the Committee. The Clerk shall also give reasonable notice to each member of the Committee of the time, date and place to which a meeting of the Committee is continued. Notwithstanding any other provisions of this section, the Clerk shall give notice of all meetings as required by the Ralph M. Brown Act. (Government Code 54950 et seq.)

XIII. COMPENSATION

Members of the Committee shall serve without compensation.

XIV. DECISION OF THE COMMITTEE

Except as provided in Section IX, all decisions of the Committee shall be by a majority vote of the Committee members present.



NCRA Policy for Selection and Appointment of Cities' Representative on NCRA Board of Directors.

1. The City representative shall be committed to fulfilling the mission of the NCRA by "maintaining railroad service to the north coast area of California" as stated in the NCRA enabling legislation;
2. The City representative shall be a sitting Mayor or Councilmember from a city served by the NCRA to which rail service has not yet been restored;
3. The City representative seat shall rotate every two years among those counties that contain one or more cities served by NCRA to which rail service has not yet been restored;
4. Consistent with the above criteria, the initial order of rotation shall be Humboldt, Mendocino and Sonoma;

Staff shall notify the City Selection Committee of the appropriate County requesting that it convene for the purpose of selecting an NCRA City representative consistent with the above criteria. If no appointment is made within 120 days, the next county in the rotation shall make the appointment.

Alexandra Stillman

PO Box 1194 • Arcata, CA 95518 • 707-822-2269 • alexnacv@gmail.com
Arcata City Council • 736 F Street, Arcata, CA. 95521

Humboldt County Association of Governments
611 I Street, Suite B
Eureka, CA. 95501

May 6, 2013

Dear City Selection Committee:

As a member of the Arcata City Council, I am interested in filling the seat on the Northwest Railroad Authority Board as the Humboldt County representative.

I have been a long time member of Humboldt County and remember the days the railroad passed through Arcata. I come from a family interested in railroads whatever their size.

My father created the McCormick-Stillman Railroad Park in Scottsdale, Arizona. His railroad duplicated existing lines at ¼ of the scale and saved the Depot from demolition by moving it to the train park. The City of Scottsdale turned into the offices, ticket area, meeting space and a gift shop.

I served on the Arcata City Council from 1972-1980 and am currently serving 2006-2016. I have a deep interest in historic preservation and redevelopment. For many years I have invested resources and innovative development into this community. I am problem solver.

I have the time to travel to meetings.

I appreciate your consideration in appointing me to this board to represent Humboldt County.

Thank you,

Sincerely,



Alexandra Stillman
Arcata City Council Member

RECEIVED
MAY 07 2013

HUMBOLDT COUNTY
ASSOCIATION OF GOVERNMENT

EXHIBIT C

Douglas F. Strehl
1436 Weber St.
Fortuna, CA 95540

May 3, 2013

Mayor City Selection Committee
611 I St. Suite B
Eureka, Ca 95501

Mayor Frank Jäger:


I would like to be considered for the position of Humboldt County representative on the North Coast Authority Board of Directors. As a business owner for over thirty years and my involvement with city government for the past fourteen years I realize the advantages having rail transportation.

- The rail would open more doors for industry expansion and acquisition to our county.
- I've been an advocate of repairing the rail system to the south and interest in researching the ability to build an east west line to create a loop instead of a spur.
- Having the rail would enhance Humboldt Bay's opportunity to become a needed port for import and export of goods and products for the western United States.

I have a compassion for the future of Fortuna and Humboldt County, and feel that our future must be secured by strong industry. The rail would be one of the key factors in strengthening this process.

Please consider me for this opening.

Sincerely:


Douglas F Strehl
Mayor of the City of Fortuna

RECEIVED
MAY 07 2013

HUMBOLDT COUNTY
ASSOCIATION OF GOVERNMENTS

EXHIBIT D



Mayor City Selection Committee
611 I Street, Suite B
Eureka, CA 95501
(707) 444-8208

April 8, 2013

MEMORANDUM

To: Mayor City Selection Committee
Interested Candidates

From: *Debra Dees*
Debra Dees, Deputy Clerk of the Humboldt County Board of Supervisors

Re: **Notice of Mayor City Selection Committee Meeting**

Mayor Frank Jäger, Chair of the Mayor City Selection Committee (Committee), was recently notified for the need to appoint a city representative from Humboldt County to serve on the North Coast Railroad Authority (NCRA) Board of Directors. The request letter for appointment, NCRA's Policy for City Representative selection, and Government Code Section 9300 are enclosed.

The April semi-annual meeting of the City Selection Committee has been rescheduled. The rescheduled meeting will take place on **Thursday, May 16 at 3:30 p.m. at the HCAOG Conference Room** and will include appointment of city representative to the NCRA Board of Directors.

While written intentions to serve are not formally required, interested mayors or city council members may provide letters of interest and or any other pertinent information to express their intentions for seeking appointments by the Committee. Any information submitted no later than **May 9, 2013** will be distributed to Committee members prior to the meeting date.

If you have any questions regarding the NCRA appointment duties or responsibilities of members, please contact Heather Lindsteadt, Executive Assistant at 707-463-3280. For questions regarding the meeting, please contact me at 444-8208.

cc:
Mayor Frank Jäger
Heather Lindsteadt, NCRA
City Managers Group (e-mail)

Enclosures

EXHIBIT E