

**ASHLAND CITY COUNCIL
BUSINESS MEETING DRAFT MINUTES
Tuesday, September 20, 2022**

View on Channel 9 or Channels 180 and 181 (Charter Communications) or live stream via rvtv.sou.edu select RVTV Prime.

HELD HYBRID (Limited In-Person Social Distancing Seating and Zoom Meeting Access)
The Special Business Meeting will be held in Council Chambers, 1175 E. Main Street.

Written and oral testimony will be accepted for public input. For written testimony, email public-testimony@ashland.or.us using the subject line: Ashland City Council Public Testimony. For oral testimony, fill out a Speaker Request Form at ashland.or.us/speakerrequest and return to the City Recorder.

6:00 PM Regular Business Meeting*

I. CALL TO ORDER

6:00 PM

II. PLEDGE OF ALLEGIANCE

Councilor Moran led the Pledge of Allegiance.

III. ROLL CALL

Councilors' Hyatt, Graham, Moran, DuQuenne, Seffinger and Jensen were present.

IV. MAYOR'S ANNOUNCEMENTS

Land Acknowledgement**

Hyatt read the Land Acknowledgment into the record.

V. APPROVAL OF MINUTES

- 1. Business Meeting of August 16, 2022**
- 2. Study Session of August 1, 2022**
- 3. Business Meeting of September 6, 2022**

Hyatt/Jensen moved to approve the minutes. Discussion: None. Voice Vote. All Ayes Motion passed unanimously.

Minutes of Boards, Commissions and Committees***

VI. SPECIAL PRESENTATIONS – moved after Public Forum

- 1. Wildfire Safety Commission Annual Report**

Wildfire Safety Commission Chair Charisse Sydoriak gave a PowerPoint presentation (*see attached*).

Items discussed were:

- On-going and New Working group reports.
- Flammable Plant list.
- Code Enforcement
- Spring Wildfire Preparedness Campaign
- Realty Engagement Program
- One to one face to face engagement with residents
- Engagement initiatives:
 - Volunteer wildfire risk assessment program (WRAP)
 - Wildfire Risk Reduction (BOOTS) working group
 - Fire-Adapted Landscaping Program
 - Fire – Resistant Landscaping Best Practices
 - Landscaping Service Providers Directory
 - All Plants will burn. Good to find plants with low flammable activity
 - Neighborhood Engagement Program

Graham expressed her appreciation.

VII. PUBLIC FORUM

Gerard Boulanger – Ashland – Spoke regarding budget and read a statement into the record (*see attached*).

Leda Shapiro – Ashland – Spoke regarding budget. Positions to be filled. Not listed on job listings (*see attached*).

Miriam Reed – Ashland – Spoke regarding the dangers of electricity.

Ashland Resident – Spoke regarding the dangers of 5G and stated reasons why.

Lynn Jorgens – Ashland – Spoke regarding 5G. She spoke regarding the dangers of 5G.

Kelly Marcotulli – Ashland – Thanked Council for their work. She spoke regarding the harm of 5G. She read a statement into the record (*see attached*).

Mr. Brown – Ashland -Spoke about dangerous effects of electromagnetics and who is affected by electromagnetics.

Alan Rathsom – Ashland – spoke regarding that there is solid evidence electromagnetics is harmful. 5 examples of how affects our bodies. (*See attached*).

Cynthia – Ashland – Spoke in agreement with the above speaker Mr. Rathsom. She spoke in concerns of the towers and dangers

Danny Greg – Lives outside of Ashland. – smart phones can access a lot of information but human provided not wise. Just because we can do something doesn't mean we should.

Angie – Ashland – Spoke in support to create a new ordinance prohibiting cell towers in areas where there are students, elderly and near the SOU dorms.

Francis – Ashland – Spoke regarding against 5G. She asked Council to take actions regarding zoning codes. She spoke in agreement of Mr. Rathsom and Ms. Marcotulli.

Teresa – Ashland – Spoke to the effects of EMF. She spoke that radiation is poisonous. She spoke that she moved to Ashland from Southern California to get away from EMFs. She urged Council to not allow towers to come into the City.

VIII. CITY MANAGER REPORT

City Manager Joe Lessard gave a brief City Manager Report.

Items discussed were:

- There is an odor at City Hall. Staff is trying to address the issue and has relocated first floor of the building to other locations. Testing should be done by the end of this week.
- Utility Billing currently short in Staff.
- Acknowledging Recognition for Commissions at the December 19th Study Session.

IX. CONSENT AGENDA

1. Approval of Mayor's Appointment of Echo Fields to the Housing and Human Services Commission
2. Approval of Mayor's Appointment of Rich Rohde to the Housing and Human Services Commission
3. Approval of Liquor License for Sammich
4. Approval of Liquor License Renewals

Seffinger pulled 1 & 2.

Hyatt/Moran moved to approve items 3 & 4. Discussion: None. Voice Vote. All Ayes. Motion passed unanimously.

Seffinger spoke in support of the candidates.

Hyatt/DuQuenne moved to approve items 1&2. Discussion: None. Voice Vote. All Ayes. Motion passed unanimously.

Mayor Akins moved up Item IV. Item 1.

NEW AND MISCELLANEOUS BUSINESS

- 1. Resolution Accepting Public Art Donation – “Ancestor’s Future: Crystallizing Our Call”**

Lessard gave a Staff report.

Public Forum

Andy Stallman – Ashland – Spoke regarding process. He spoke that as past Chair of the Public Arts Commission this project is different than anything he has seen since his time on the Commission. He spoke in full support of the project.

Emily Simon – Ashland – Co-Chair of SERJ. Spoke in support of this project and thanked all.

Johanna Tuthill– Associate Planner and Staff Liaison to the Public Arts Commission gave a Presentation. And Micah the artist.

Ken Engelund – Ashland – Read a statement into the record (*see attached*).

Micah Blacklight – Artist of the project went over a PowerPoint Presentation (*see attached*)

Items discussed were:

- Introduction
- Symbology
- Location
- Community inclusion
- Painting stones
- Statement of intent
- Proposed budget
- Timeline
- Plaque description.

Mr. Blacklight spoke in gratitude for this opportunity and hope that all resonate with it the same way he does. He spoke that by choosing this artwork it is a permanent reminder not only what has transpired in the past but what is possible on our future.

Seffinger spoke that this project is a marvelous project in many ways. She spoke that this is accepting all people and making a difference. She thanked the Public Arts Commission.

Graham spoke that art is most powerful when it causes us to pause and to think and connect; in a time of moral reckoning in this Country. She spoke in support of this project and thanked Mr. Blacklight, the Public Arts Commission and SERJ Commission.

DuQuenne spoke that she is so proud and grateful for this project. She spoke to the importance of this project and thanked all involved.

Jensen/DuQuenne moved to provisionally accept the proposed art piece, “Ancestor’s Future: Crystalizing Our Call” into the city of Ashland public art collection subject to the following steps to be completed prior to final acceptance:

- **That the Park Commission, in consultation with its artist, Mr. Blacklight, consider the final location for the art piece that will best showcase the art installation within the Ashland Creek Park;**
- **That at least two public presentations of the sculpture proposal be hosted by the Public Arts Commission (or subsequently established Public Arts Advisory Committee) to act as a catalyst for dialog and awareness of our past, and of our vision for a just and inclusive future; and**
- **That the art concept have a final review and approval for quality upon completion by the Public Arts Commission, and for the identification and resolution of any installation requirements by the City’s Park and Recreation and Public Works Departments.**

Discussion: Hyatt spoke in gratitude of the opportunity of this project. She spoke that energy is infectious and thanked all involved. Mayor Akins thanked all. Jensen spoke in support of the proposal. **Roll Call Vote: Hyatt, Graham, Moran, Seffinger, DuQuenne and Jensen: YES. Motion passed unanimously.**

II. PUBLIC HEARINGS

III. UNFINISHED BUSINESS

1. Resolution 2022-24 Creating Standing Advisory Committees

Public Forum:

Charisse Sydoriak – Ashland – Spoke regarding the Advisory Committees and read a statement into the record (*see attached*).

Pricilla – Ashland – Spoke in agreement with Charisse. She spoke to the importance of communication and public participation. She suggested to expand public engagement and to work on making the City Website more user friendly.

Lessard went over the Resolution changes (*see attached*).

Council discussed options.

Hyatt/Seffinger moved that Council address the Resolution in 3 parts starting with Commissions moving to the Standing Advisory Committee and then the Manager Advisory Commissions. Discussion: Seffinger spoke in concern about trails. Graham spoke regarding that some commissions that will need guidance. **Roll Call Vote: Hyatt, Graham, Moran, Seffinger, DuQuenne and Jensen: YES. Motion passed unanimously.**

Hyatt/Moran moved to approve the Parks Commission, Recreation Commission and Planning Commission and the procedural guidance of the Resolution. Discussion: Jensen questioned Parks Commission and Recreation Commission. Lessard clarified the roles of the Commissions. **Hyatt withdrew the motion.**

Hyatt/Moran moved to accept the continuing function of the Budget committee as stated by law the Planning commission as stated by law and the Parks & Recreation Commission and to approve section 1 of the Resolution with all the governing provisions.

Graham/Seffinger offered an amendment to the motion: Change the language in Section H. stating to state there are two additional student youth members who are of high school or of collage age student members shall have the right to vote provided the meet the minimum voting age requirement of age 18. Discussion: Seffinger spoke that this could be a senior project for students. She spoke that working with the school district would be a good idea. Jensen questioned the language of the amendment. DuQuenne spoke that she liked the idea of having the youth having buy in to be a part of the votes. Council discussed the number of voting members. **Roll Call Vote: Hyatt, Graham, Moran, Seffinger, DuQuenne and Jensen: YES. Motion passed unanimously.**

Roll Call Vote to Initial Motion: Hyatt, Graham, Moran, Seffinger, DuQuenne and Jensen: YES. Motion passed unanimously.

Standing advisory committee topic continued:

Wildfire Division Chief Chris Chambers spoke regarding the Wildfire Commission and Forest Land Commission. He spoke to the importance to both of the Commissions and the work they do. He spoke that each Commission takes a lot of Staff time.

Hyatt/DuQuenne moved that approve the standing advisory Committees as outlined in section 2. Discussion:

Graham/Hyatt moved to amend the motion change under Climate and Environmental Committee be to replace the following language:

The CEAC shall be responsible for assisting the City in the following:

- i. Making recommendations on strategies, actions and programs related to the implementation and updating of the Climate and Energy Action Plan in furtherance of its climate mitigation and adaption goals and strategies per AMC 9.40, recognizing that the Council may also request advice on other environmental matters from time to time. The issues the Climate and Environmental Policy Advisory Committee shall advise Council on include, but are not limited to:**
 - A. Recommendations for the City of Ashland's Climate and Energy Action Plan (CEAP) and any updates to the CEAP.**

- B. Modifications to benchmarks, targets, or actions contained in the climate plan as needed to incorporate the best available science and practices to achieve the City of Ashland’s climate-related goals and targets.**
- C. The process for considering amendments and updates to the CEAP.**
- D. Monitoring CEAP implementation progress for the community and for the City operations.**
- E. Changes in the City ordinances, administrative rules, and processes that facilitate or incentivize residents and businesses to reduce GHG emissions.**
- F. Ensuring that the CEAP incorporates long-term social, economic, and environmental goals.**
- G. Climate education and advocacy efforts for Ashland’s Community Climate Recovery Goals.**

Graham explained this is to be more focused on Climate and not on the broader environment.

Seffinger spoke that she is not comfortable item E stated above. Moran agreed with Seffinger.

Council discussed removing item E.

Hyatt seconded the motion to amend the main motion. Discussion: Graham spoke that any commission could make a recommendation to the body and advise Council but she is fine with removing item E. Moran spoke in support of taking out item E. Graham withdrew her motion to amend.

Graham/Hyatt moved to a new amendment incorporating all stated above and removing item E. Discussion: None. **Roll Call Vote: Hyatt, Graham, Moran, Seffinger, DuQuenne and Jensen: YES. Motion passed unanimously.**

Main motion as amended: Roll Call Vote: Hyatt, Graham, Moran, Seffinger, DuQuenne and Jensen: YES. Motion passed unanimously.

Hyatt/Graham moved that Staff revisit the Transportation Commission because of the Policy guidance that the transportation plan will be coming forward. Council discussed options. Discussion: Lessard questioned if Forest Lands should be added to this list. **Hyatt withdrew the motion.**

Hyatt/Graham moved to reconsider the Transportation Commission in light of its future policy decision recommendations with the TSP and to approve section 3 as stated.

Graham/Hyatt moved to amend the motion to add Forest Lands to the list. Discussion: None. **Roll Call Vote to the amendment: Moran, Seffinger, DuQuenne, Hyatt, Graham and Jensen: YES. Motion passed unanimously.**

Roll Call Vote to the main motion as amended: Hyatt, Graham, Moran, Seffinger, DuQuenne and Jensen: YES. Motion passed unanimously.

Council decided to move item #3 up.

2. Comprehensive Sanitary Sewer Collection System Master Plan Adoption

Due to time restraints this item was moved to the next Council Meeting.

3. Talent-Ashland-Phoenix (TAP) Intertie Master Plan Adoption

Public Works Director Scott Fleury gave a Staff report.

Council and Staff discussed the timeline of this plan.

Jensen/Hyatt moved to adopt the 2020 TAP Master Plan. Discussion: Jensen spoke to the importance of this and thanked Staff. Hyatt spoke to the importance of the master plan and spoke in support of the motion. Graham spoke to the importance of this collaboration and important for our resilience. **Roll Call Vote: Jensen, DuQuenne, Seffinger, Moran, Graham and Hyatt: YES. All Ayes. Motion passed unanimously.**

Council decided to move Item 5 before Item 4.

4. Stormwater and Drainage Master Plan Adoption

Due to time restraints this item was moved to the next Council Meeting.

5. Resolution 2022-29 Water Revenue Bond Authorizing

Fleury gave a Staff report.

Council discussed a financial plan, possible rate increases and timelines.

Jensen/Hyatt moved to approve a Resolution of the City of Ashland, Oregon authorizing the issuance of water revenue bonds for water projects. Discussion: Jensen spoke that laying this groundwork is the prudent thing to do. Hyatt spoke that she wants to see the plan and spoke in support of the motion. DuQuenne spoke that she would like to see the estimates and can support this if we can get grants. **Roll Call Vote: Jensen, DuQuenne, Seffinger, Moran, Graham and Hyatt: YES. All Ayes. Motion passed unanimously.**

IV. ORDINANCES, RESOLUTIONS AND CONTRACTS

V. OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

VI. ADJOURNMENT OF BUSINESS MEETING

The Council Business Meeting was adjourned at 9:32 PM.

Respectfully submitted by:

City Recorder Melissa Huhtala

Attest:

Mayor Akins

* Items on the Agenda not considered due to time constraints are automatically continued to the next regularly scheduled Council meeting [AMC 2.04.030.(D)(3)]

**** LAND ACKNOWLEDGEMENT**

We acknowledge and honor the aboriginal people on whose ancestral homelands we work—the Ikirakutsum Band of the Shasta Nation, as well as the diverse and vibrant Native communities who make their home here today. We honor the first stewards in the Rogue Valley and the lands we love and depend on: Tribes with ancestral lands in and surrounding the geography of the Ashland Watershed include the original past, present and future indigenous inhabitants of the Shasta, Takelma, and Athabaskan people. We also recognize and acknowledge the Shasta village of K'wakhakha - "Where the Crow Lights" - that is now the Ashland City Plaza.

***Agendas and minutes for City of Ashland's Boards and Commissions meetings may be found at the City's website, <https://www.ashland.or.us/Agendas.asp> . Use the View By box to select the Board or Commission information you are seeking.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Manager's office at (541) 488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title I).

Gerard ✓

The municipal elections are approaching. This is an opportunity for Ashland residents to take stock of the councilors who seek to renew their mandate. This is also the time for residents to become aware of the difficulties that our city is experiencing and the solutions proposed by the candidates to solve them.

Everyone knows, in any case I hope, that our city is experiencing financial issues and management difficulties in certain departments which seem to refuse the centralized management of the city manager.

Our financial difficulties began about 5 years ago when the Ashland City Council lost a simple notion: "don't spend more than you earn". Things quickly deteriorated to the point where reserve funds ran out, while the number of employees continued to increase to a number that some consider more than excessive compared to similar cities.

This situation that we see today is the result of a laxity, some speak of incompetence, of the city council which for several years has not been able to put aside its ideological and political differences to solve our major problems, and in particular address our structural deficit.

More specifically: 4 municipal councilors have constantly refused to accept the reality of our fragile financial situation. That wall of denial made impossible for the council to address our budgetary difficulties due to systematic oppositions to the 3 other councilors and in particular to our mayor who seems to have never been accepted in her role.

Of these 4 councilors, 3 of them will see their terms expire in 2022. Stephani Seffinger and Stephen Jensen have decided not to solicit the vote of residents this November. I thank them for their service.

Tonya Graham is therefore the only one of this group hoping to renew her mandate.

Ashland needs to move forward with brand new councilors. Our challenges were not addressed or worse, they were ignored. It is time for "the old guard" to retire.

Our City needs city councilors able to act swiftly instead of constantly disagree with each other, thus forgetting the interests of the City at large.

For all those reasons, I suggest that residents express their disappointment by not granting their votes to candidate Tonya Graham.

Over the course of several meetings, this Council discussed the structural deficit in the current 2021-2023 budget. There were several days of presentations. Cuts of 5-10% cuts were called for. Then it was decided that the deficit could be decreased by leaving unfilled positions vacant. Totals were given about how much this would decrease the deficit. It all sounded reasonable, though no real detail was disclosed.

Thinking things were finally getting in hand and expenditures would be decreased was encouraging. Now we hear that ALL unfilled budgeted positions are to be filled. No reason has been given for this about face,

- The information given about the number of these budgeted but unfilled jobs has varied ...but now seems to have settled at 42.
- Which positions exactly are these that are budgeted and not filled? Where is a list of these positions to now be filled? You might think you find this out by looking at job openings listed for the City, but only 5 have been posted there for some time. Not even the Director of Finance is listed.
- When the budget was created were there actual people in those positions? It appears that some have been unfilled for many years. If so, why were they budgeted? And why are they being filled given the budget shortfalls projected by all our Finance Directors.

And now all these stated intentions for decreasing the expenditures have been reversed. Instead of unfilled positions being left unfilled, we are filling positions that have been unfilled for years, thereby increasing expenditures, and therefore increasing the projected deficit as well. Where is this money to come from for our next biennial, only 8 months from now? How can we move toward a sustainable budget when it seems we are increasing expenditures instead of decreasing them?

We need transparency here. The first year of our current biennial budget ended June 30, 2022. The Annual Comprehensive Financial Report shows actual expenditures compared to the budget but only total Department expenditures. It does not show the actual to budgeted Personnel costs, or any other detail. Given the differing numbers reported of positions unfilled / budgeted a report showing at least the increases of Personnel for each Department needs to be transparent.

In May / June- the City seemed to be taking the step toward a sustainable budget. But these newest actions have left a BIGGER question mark as to the bottom line. Please help us all understand, and make public, information as to why this change of direction.

Why this about face? We are in election season and we need this information about where we stand in the hope of moving toward a sustainable budget. For a few months it appeared that between leaving unfilled jobs, and

requested cuts from Departments, we were on the road moving toward a possibility of producing a sustainable budget for the next biennial. Please let transparency win here. Let us know - why this reversal?

Hello Council, Thanks again for your hard work on behalf of all Ashland residents.

Last week I requested Council consider five questions regarding our telecommunications ordinance.

The first time I presented Council with similar questions was four years ago. Since 2018, the understanding of the dangers of electromagnetic fields has grown dramatically. It's a deceptive foe, as we can't see, smell, hear or taste electromagnetic energy, but many of us can feel it, and we're all being harmed by it. As history has demonstrated, bad things happen until and unless smart things happen.

We have learned by past mistakes. Cigarette smoking, once promoted by doctors, continues to be the #1 cause of preventable disease, disability, and death in the United States. Turns out global warming wasn't a hoax after all. We're all now suffering the consequences of looking the other way on that one. Well, here we are again.

Although the telecommunications ordinance is not on tonight's agenda, I would like to address the questions I posed last week, while adding more clarity around these questions.

As a teacher, I would often remind my students that we don't know what we don't know until we know it. This is new territory for us...but not for Attorney Andrew Campanelli. Experience and knowhow is key with regards to such a consequential action, and the city would be well served to utilize the best resources available to it.

I am so very pleased and grateful that the council has made space in their schedule to allow Mr. Campanelli to speak with you about what he does, and then give the Council the opportunity to ask him questions.

The most common lie that Telecom companies like to threaten cities with is that their hands are tied, and that denying Telecom access to city infrastructure will cost the city billions. **THIS IS FALSE.** What would happen if the city were sued for disallowing an antenna to go up, and lost the case, is that the city would **NOT HAVE TO PAY PENALTIES, NOR WOULD IT HAVE TO PAY ANY LEGAL FEES.** The city would merely have to approve the permit.

Mr. Campanelli's ordinance for Ashland would greatly reduce the risk of this type of legal action because it would be crafted specifically for Ashland, under the ninth circuit court restraints. His work focuses on maximizing city authority to regulate cell towers and other wireless facilities and he is nationally recognized for his work. The other good news is that Ashland would not be alone in making these changes. I am providing you with examples of what other cities and counties have done to significantly provide protections for their residents.

Another question I sought an answer to was why would the city draw up an ordinance based upon guidance from the League of Oregon Cities, when the League of Oregon Cities partners with AT&T and T-Mobile, and Verizon? The intention of these telecom companies is clearly not to protect the public from harm, but to profit financially. They deny there is a problem, the same way the Big Tobacco, asbestos and Big Oil did. But this time we can have the opportunity to "impede the greed", while protecting our wonderful city and its residents. The good news is that we have a good chance of doing something very smart for the city of Ashland through legal channels by hiring Mr. Campanelli.

Should anyone on Council or in the audience want more scientific evidence of our position, my organization, Oregon for Safer Technology will gladly provide a presentation on the scientific evidence of the harm being documented worldwide.

LOCAL RESOLUTIONS

CITY OF COCONUT CREEK RESOLUTION

On November 12, 2020 the Coconut Creek Florida Commission adopted a Resolution on 5G and radiofrequency radiation "imploing the US Congress to allocate funding and direct a cross discipline federal agency study of the effects caused by exposure to current and proposed electromagnetic spectrum and radiofrequency commissions on human health and the environment in light of the recent implementation of fifth generation technology and to use those findings to create science based laws or rules regarding limiting human and environmental exposure."

Hawai'i County 5G Resolution

The Hawaii County Council voted on July 22 to halt 5G developments on the Big Island until the controversial technology is proven safe. The vote came following passage of a 5G Resolution by the Hawaii County Planning Board.

Farragut, Tennessee 5G Resolution

The Farragut, Tennessee City Council approved a resolution on May 14, 2020, calling on state and federal governments to halt 5G until health risks are evaluated by "sound science." The resolution details how FCC limits are outdated and considered inadequate to protect human health by many scientists. (EHT maintains research on 5G, 4G and wireless radiation HERE.)

Easton Connecticut 5G Resolution

A 5G cease and desist resolution was unanimously approved by Easton Connecticut on May 7 2020.

This action follows extensive investigations into the issue. The 5G Resolution can be accessed here.

Western Springs Illinois

Crown Castle withdrew its 5G small cell application in Western Springs, IL after the village council sent them a letter. (Western Springs Illinois Letter)

SEE 5G Antenna Application Withdrawn In Western Springs: Western Springs and Hinsdale residents have protested possibility of 5G antennas. Firm is looking at alternative sites.
Western Springs Illinois Letter

Oak Brook, Illinois

Oak Brook Resolutions Oak Brook Illinois unanimously approved a motion to pass 2 resolutions to restore local control over 5G.

Nevada City California

June 2020: Adds Protections to 5G ordinance; final vote still needed

Keene New Hampshire halts 5G, March 2020

- Read the news article "New Hampshire City Council of Keene approves temporary 5G ban"

Santa Barbara California Pauses 5G, March 2020

Hallandale Beach, Florida Passes 5G Small Cell Tower Resolution:

Carmel City, Indiana

The Carmel City Council approved a resolution on Oct. 22, 2019, asking state lawmakers, the Federal Communications Commission and Congress to limit 5G technology deployment in Indiana until the health effects are fully understood."

Greendale Wisconsin

- Resolution No. R2018-20 in November 2018: The Board of Trustees of the Village of Greendale, County of Milwaukee, State of Wisconsin, passed Resolution No. R2018-20 in November 2018 in opposition to the FCC's September 26, 2018 Order because the Order is an unprecedented attack on local control of Greendale's largest asset, the public rights-of-way, for 5G technology; threatens the Village's responsibility to protect the health, safety and welfare of its residents; and threatens the Village of Greendale's designation as a National Historic Landmark.

POLICIES & ORDINANCES

Note: These were compiled from EHT research of various sources and a special thank you to Physicians for Safe Technology, My Streets My Choice, Scientists for Wired Technology and Last Tree Laws for their extensive resources utilized on this page. Please be sure to go to these pages for more information.

In addition, Americans For Responsible Technology has created a Sample Small Cell Ordinance that cities can use as a starting point which incorporates several- although not all- of these issues. Please download their model ordinance and utilize their extensive resources at this link.

Massachusetts

Randolph MA

500 foot setback from any residence or business. Randolph requires a certified engineer to take radio frequency radiation readings of the tower once a year and requires the tower company to recertify it's tower every year. Link to Code

Stockbridge MA prohibits a tower from being built 1000 feet from a school, park or athletic field and 600 feet away from any residence.

Florida

"The applicant shall obtain certification from the Federal Aviation Administration and the United States Department of Defense demonstrating that the installation does not emit RF frequencies which may interfere with avionics of any approaching civil or military aircraft." The City also requires the applicant to provide RF meters used by their technicians and training the City employees.

Arkansas

Booneville, Arkansas

- Proposed Ordinance would limit cell towers to 250 ft max; industrial zones

Danville, California

Proposed Ordinance No. 2018-07: Wireless Communication Facilities

- "All facilities shall be substantially screened from the view of surrounding properties and the public view or collocated with existing facilities or structures so as not to create substantial additional visual, noise, or thermal impacts. "

-Property owners within 300 ft of proposed site must be notified

Danville, California: Ordinance No. 2018-07 Wireless Communications Facilities PDF

<http://mystreetmychoice.com/danville.html>

<http://scientists4wiredtech.com/danville/municipal-wireless-code/>

Encinitas, California

- Urgency Ordinance
- 5G opponents cite health concerns in urging city to limit wireless antennas

Fairfax, California

- News: Marin Independent Journal Fairfax to study fiber-optic broadband amid protest against 5G

Los Altos, California

- installation of small cells on public utility easements in residential neighborhoods is prohibited
- 500 foot setbacks for small cells for multi-family residences in commercial districts
- 500 ft separation from schools
- 1500 ft separation between nodes

This ordinance was passed in 2019. Then the Los Altos City Council then rejected 12 applications from AT&T and one from Verizon because they didn't meet those rules. In response, both cell companies sued in federal court, arguing the denial wasn't based on evidence.

According to WireAmerica.org: The new Los Altos ordinance "says the city will grant exceptions if a cell company has evidence they need a site in a residential neighborhood to eliminate a significant gap in telecommunications coverage. The company would have to demonstrate, with substantial evidence in the public record, that not putting the antenna at that location would result in an effective prohibition of telecommunications service – a tough row to hoe for Wireless companies because everyone can make a wireless phone call on every carrier network in Los Altos today. The ordinance has several other restrictions on things like height, noise and Wireless Telecommunications Facility (WTF) design. Attorney Deborah Fox, who is representing the city against AT&T and Verizon, said the ordinance is "state of the art" and she is confident that it meets federal law."

Marin County, California

Draft as of June 21, 2019 The city is mapped to show where the cell towers are allowed. Marin drafts preferences for 5G rollout, Point Reyes Light

- "Marin's draft rules select industrial, commercial or agricultural sites, or sites near public facilities, as preferred locations for the antennas; residential and mixed-use sites and areas within 1,500 feet of schools and daycare centers are the least-preferred locations.

Mill Valley, California

Urgency Ordinance No 18, September 6, 2018

- New or updated facilities prohibited in residential zones. Commercial only.
- Defend and indemnify the City

Palo Alto, California

City Council voted unanimously to approve a Resolution and amended Wireless Ordinance that City Staff had proposed. Council *also* voted unanimously in favor of a motion to direct City Staff "to come back as soon as possible but [in] no more than [one year], with an updated Ordinance/Resolution that considers" (and e summarizing):

Council also voted to direct City Staff to return to Council with a recommendation for "best practices" with respect to inspecting antennas.

"Seeking to strike a balance between federal requirements and resident concerns, Palo Alto approved on Monday night new rules for reviewing the flurry of applications that the city has been receiving from telecommunication companies seeking to install antennas on local streetlights and utility poles.

Palos Verdes, California

According to citizens of the city, after citizen uproar, Crown Castle began complying with municipal aesthetic requirements and moving proposed locations out of neighborhoods and away from homes.

Petaluma, California

Ordinance of the City Council of Petaluma

- Protect environmental resources; protect residents against adverse health effects
- Protect visual character; don't create visual blight
- Protect environmental resources; protect residents against adverse health effects
- Commercial or industrial zones

Ross Valley, California

Wireless Telecommunications Facilities

- Modeled after Mill Valley's
- Adopted regulations prohibit facilities in residential and downtown zoning district.
- Requires equipment to be placed underground.

SAN ANSELMO, CALIFORNIA

Council Policy

- People within 300 feet of proposed antenna will be notified
- Town is entitled to employ independent consultant at applicant's expense to evaluate exceptions

San Diego County, California

"SCWs shall not be located within 1,000 feet of schools, child care centers, hospitals, or churches. Distance, without regard to intervening structures, shall be a straight line measured from the closest property lines."

San Jose, California

Negotiated agreement

"officials made improved access to areas with low internet participation a precondition for reducing fees..."

Suisin CA

500 ft setback and all facilities permitted pursuant to this chapter shall comply with the ADA.

San Anselmo, CA

300ft setback residents notified

Calabasas, CA

1000 feet setback for small cells.

Westlake, CA

500 feet setback

San Clemente, CA

500 feet setback

San Rafael, California

"I want the city and county government to clearly say no to the FCC," said resident Arthur Saftlas.

"No 5G installations of any kind in Marin, until it can be proven safe for us and the

environment." - San Rafael, Calif., Officials Work to Tighten 5G Regulation

- San Rafael Residents Take Pre-emptive Strike Against 5G

Sebastopol, California

City Council Agenda Item Report and Urgency Ordinance (Recommended)

- Purpose: Institute a moratorium on applications for small cells in the public right-of-way until adoption of a permanent ordinance

Sebastopol, California: City Council Agenda Item Report and Urgency Ordinance Establishing a Moratorium on Small Cells in the Public Right of Way

Other Links

- <http://scientists4wiredtech.com/sebastopol/sb-muni-code/>
- <http://mystreetmychoice.com/sebastopol.html>

Sonoma, California

Report and Urgency Ordinance

On Nov 5, 2018 Sonoma approved their 5G urgency ordinance.

500 ft setback and residents notified.

"Based on the foregoing, the City Council finds and determines that the immediate preservation of the public health, safety and welfare requires that this Ordinance be enacted as an urgency ordinance

WALNUT CITY, CALIFORNIA

- "Telecommunication towers and antennas shall not be located within 1,500 feet of any school (nursery, elementary, junior high, and high school), trail, park or outdoor recreation area, sporting venues, and residential zones."

Warren, Connecticut

This policy defines adequate coverage and adequate capacity. It details that it was designed "to locate towers and/or antennas in a manner which protects property values, as well as the general safety, health, welfare and quality of life of the citizens of Warren and all those who visit this community, minimize the total number and height of towers throughout Warren, and provide standards and requirements for the regulation, placement, design, appearance, construction, monitoring, modification and removal of telecommunications facilities and towers."

BURLINGTON, MASSACHUSETTS

Town of Burlington Policy Applications for Small Cell Wireless Installations, October 22, 2018

- Small Cell Committee drafted a policy with annual recertification fees. Verizon withdrew its application, concerned by the precedent it would set and questioning its legality.
- Verizon attorney Mr. Klasnick stated "My client respectfully requests to withdraw the petition rather than have a fee," he said.([BCATTV](#))

[The Town of Burlington Policy / Application for Small Cell Wireless Installations approved by the Burlington Board of Selectmen on October 22, 2018 PDF.](#)

According to [BCATTV Verizon Drops Small Cell Wireless Booster Application in Face of Fees](#): "This week Selectman Jim Tigges, the board's representative on the Small Cells Committee, said the group had come up with a new policy for small cell applications. The policy contains a number of provisions while filing an application, including setting installation fees, listing the town department that must receive a copy for review and setting up the timeline for approval.

Holyoke, Massachusetts

- Draft policy \$500 fee for city inspection of rooftop poles/roofs every 2 years
- Holyoke has submitted an order from councilor Bartley Roman to limit equipment and require \$500 apiece per small cell - \$500 may exceed FCC limits.

Pittsfield, Massachusetts

Proposed Section: Wireless Communications Facilities

- Telecom company must prove preferred site/existing structure does not work

[Pittsfield, Massachusetts: Proposed Section: Wireless Communications Facilities PDF](#)

Little Silver, New Jersey

- Carriers should provide notice to property owners within five hundred (500') feet of the proposed Telecommunications Facility.
- The applicant must demonstrate to the reasonable satisfaction of the Borough that no existing personal wireless Telecommunication Service Facility within a reasonable distance can accommodate needs.

- Indemnification clause: "Each license grantee shall indemnify and hold the Borough and its officers, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its Telecommunications Facilities, and in providing or offering Telecommunications Services over the facilities, whether such acts or omissions are authorized, allowed or prohibited by this Chapter or by a grant agreement made or entered into pursuant to this Chapter."

Ithaca, New York

- A 1500 foot setback between antennas (old code: 0 feet)
- A 250 foot setback between antennas and homes/schools (old code: 8 feet)
- Requiring proof of a significant gap in service coverage for any antenna, proven by 'in-kind' testing (such as drive-by tests and dropped calls)
- Clarifying that an applicant's claim that it needs the proposed tower for "future capacity" or to "improve coverage" is not sufficient to establish that it suffers from a significant gap in coverage
- Establishing a procedure for any disabled persons suffering from EHS to submit requests/grievances in accordance with the ADA
- Establishing that the codes apply to all wireless transmitting antennas, including any on private homes (aimed at the OTARD challenge)
- Deputizing any citizen to test for RF emissions
- Protecting against reductions in property values of properties situated near wireless facilities
- Requiring that everything submitted by the applicant is done so under oath and penalty of perjury

Scarsdale, New York

Scarsdale, New York Passed a [Wireless Ordinance](#) To Limit Cell Antennas 500 Feet From Homes, Schools and Daycares

1. Pre- and post-installation RF testing requirements by independent contractor; additionally, routine annual monitoring
2. Location preferences (restricted zones) that require special exceptions for installations
 - Any location within 500 feet from a residential dwelling unit

- Any location within 500 feet from a daycare facility or school
 - Any location within 500 feet from a house of worship
 - Any location within parkland
3. Village is insured against any liability for personal injury or property damage or claims pertaining to RF exposure
 4. Existence of appeals process (de novo hearing in front of Planning Board)

Copake New York

Pretesting and post testing by RF engineer

Annual monitoring of RF emissions by the independent RF engineer using actual field measurements

Hempstead, New York

Wireless Communications Facilities

- Requires a special use permit for cell towers that encourages location of new wireless facilities so as to minimize their impact on historically sensitive areas around residences, schools, houses of worship, day-care centers. Seven consideration factors are listed in order from more to least preferred, with existing towers being most preferred and new towers in residential zones least preferred.
- Prohibits towers from exceeding a height that permits it to operate without artificial lighting
- Allows the town to hire consultants and do inspections
- Set a fee schedule of \$500 per pole

Mason, Ohio

Zoning Ordinance - Wireless Communications Systems

- No small cells in residential areas or within 100 feet of property used for residential use
- Small cells must be 2000 feet apart (unless colocated)

Lancaster, Pennsylvania

Zoning Changes via Ordinance 9-2016

- City Council rushed through zoning changes to declare many streets off limits to new poles (said they could be much taller than existing ones)
- Public Utility Commission stripped Mobilitie and other distributed-antenna companies of utility status, meaning that they would not get any more "certificates of public convenience" in Pennsylvania.

Note: This list was compiled from EHT research of various sources and a special thank you to Physicians for Safe Technology, My Streets My Choice and Last Tree Laws for their extensive resources. Please contact EHT to add your Cities information. <https://chtrust.org/usa-city-ordinances-to-limit-and-control-wireless-facilities-small-cells-in-rights-of-ways/>

Mayor Akins, Council Members, and City Staff:

I'm Alan Rathsam, native Oregonian, Ashland resident, and retired mechanical engineer with BS and MS degrees and a retired professional engineering license in California. My 35-year career in public service, as a federal employee, was in the Department of the Navy at the research and development lab in San Diego.

Four and a half years ago, I joined Oregon for Safer Technology and found another opportunity for public service, especially when presentations are needed about the science and effects of wireless radiation.

I'm speaking this evening for one reason: to assure you there is solid evidence from independent, internationally recognized scientists, doctors, and epidemiologists that man-made, pulsed, electromagnetic radiation is seriously harmful to all life forms. Effects of exposure are cumulative, as with X-rays. Electromagnetic sensitivity (EMS) can appear unexpectedly and is a lifestyle changer. Those who understand these disturbing realities avoid this radiation exposure wherever possible. This is why many of us speak loudly for maximum municipal authority to regulate placement of wireless facilities in our City. Don't believe FCC and Telecom-industry statements that overall science is inconclusive about harmful effects. These false statements are adapted from the "Big Tobacco Playbook," to keep the public in doubt.

Man-made pulsed electromagnetic radiation uses modulation and sharp spikes to transmit voice, video, and data. Pulses of energy hit us millions of times per second. Here are just five examples of how this affects our bodies at radiation levels far below those deemed safe by the FCC.

1. Body voltages are created that disrupt the regulation of our systems.
2. Abnormal voltages cause excessive calcium flow into our cells, which leads to DNA damage and cancer over a period of years.
3. Blood cells form string and cluster formations that cannot pass through our fine capillaries.
4. The blood-brain barrier opens with exposure to the head, which allows toxins to enter the brain.

5. Abnormal neurological development and life-long health issues afflict children, even from prenatal exposure. The Russian Health Ministry advises that no one under 18 should use a cell phone.

These effects can cause dozens of diseases easily attributable to unknown causes.

Please contact me to learn more details in my one-hour presentation.

The solid science of harmful effects from man-made pulsed electromagnetic radiation, at the cellular level in all life forms, does not grant a waiver for ignorance.

alan.rathsam@sbcglobal.net

ART XII

9/20/22

*Council Liaison
Seffinger*

Good Evening, Mayor and Members of the City Council, City Manager
Lessard, ^{OSI} PAC liaison Tuthill, and Ashland City Staff.

I am Ken Engelund, Chair of the Public Arts Commission, (PAC) together with Commissioner Cassie Preskenis and artist Micah Blacklight. We are here to speak in favor of your endorsement and acceptance of the staff recommendations of this site-specific sculptural art: "Ancestors Future -- Crystalizing our Call," as a gift to the city, and when completed, inclusion into the public art collection.

For the listening public, the work has been endorsed by the Social Justice and Racial Equity Commission (SERJ), the Ashland Parks and Recreation Commission (APRC), and on two occasions the Public Arts Commission (PAC) following months of engagement with the Say Their Names Collective beginning in April 2021. Council can rely on each of these endorsements. The work was discussed extensively with artist Blacklight at the June 2022 PAC meeting. It meets all of the criteria for acceptance into the public art collection.

Citizens and tourists respond to public art work associated with their individual lived life experiences. Decedent's of early settlers resonate with "Pioneer Mike," Chinese Americans with our recent Golden

Connections sculpture honoring Ashland history and Chinese laborers, and Americans with Indigenous Peoples heritage with our “We Are Here” sculpture. So will all of our citizens and visitors and especially African Americans and people of color resonate with this work. Visiting tourists and OSF African American actors and performers stopping over between San Francisco and Portland will learn of the work. As more fully described in the recommendation the sculpture speaks to the loss of lives, legacy of race relations in Oregon and Ashland.

It may be challenging, yet is important to contemplate. It beckons to a path of healing and inquiry, and expressed values of the Council. PAC will follow the fabrication process, and will complete a final review and report to Council of the work upon its completion.

The Public Arts Commission soon to be Public Arts Advisory Committee looks forward to working with artist Blacklight and the City staff for the informational, educational, and participatory outreach public presentations toward the ends of; dialog, awareness and healing; and for building community awareness of our past, and our vision for the future for pursuing inclusion, building bridges of art understanding and appreciation, and becoming a more united and inclusive Community.

The completed work will include a statement of context for understanding when completed. Artist Blacklight will speak to this. This work will be a key element of Public Art Forums required in the recommendation.

Next to speak is Commissioner Preskenis, long time performance artist, teacher and early participant in the Say Their Names Collective. I will introduce artist Micah Blacklight following her remarks.

#

Hello!

My name is Micah BlackLight. I am a local artist, teacher, and community member and this is my proposal for a permanent Say Their Names installation in Ashland Creek Park entitled:

'Ancestor's Future: Crystallizing Our Call'



I am grateful for this opportunity to present my concept to you. My hope is that you resonate with it the same way I do and that you aid me with this vision by choosing to see this piece grace Ashland Creek Park as a permanent reminder not only of what has transpired in the past, but what is possible in our collective future as well.





Symbology:

The Winged Figure:

I chose the archetype of the winged figure because in so many cultures, this alludes to beings who have attained or have access to some greater knowledge, purpose, or understanding. Simultaneously, it could represent an ancestor, or a collective embodiment of ancestors, perhaps even the spirit of **George Floyd**, whose death turned out to be such an incredibly galvanizing spark for so many. That he could return as a being of greater understanding, shepherding the way to a better life paved by his death.

The Presence of the Tome/Book:

He holds us to account for what has transpired and continues to transpire by holding the book etched with the names of Black and brown people who have fallen, so that we are reminded to do all that we can to make these cycles of violence cease. And through the statement drafted on the front page, he also offers a road through the current turmoil into a better, brighter future.

Instead of gazing at the book, the record of the past and present, he looks ahead to the waiting hope of the future, while letting us know he will not forget, and is not blind to the trials we will face in our quest for that future. He is helping us to remember by offering up a constant reminder of what we are facing, while giving us a glimpse of that which is possible.

The Space In His Chest

Though it is not precisely where the heart would be, I wished to express that his heart and ability to love is LIMITLESS. This is partially expressed via the feminine aspect at the junction of his throat and heart chakras, denoting his ability to hold an understanding, patient, discerning demeanor and come from a heart-centered space as opposed to solely from that of a militant place.

So if you catch it at the right angle, one will be able to catch sight of the sky through his chest.

The Winged Dome

The domed wings represent a shield: from the figurative stones and arrows of classism, racism, division and hatred, to the literal dangers of weather: rain, sleet, hail and snow.

BOOK

9 Etched Pages Total

Stainless Steel

18 x 20"

stainless and ferris steel

Appx. 10-12' from ground to apex of wings



Symbology:

The Different Finishes/Metals

I envision the figure as a combination of bright, textured finishes that will never rust, and the exact opposite: unfinished looking, rougher, weathered pieces to symbolize the many partnerships amongst people from disparate walks of life, and levels of experience that are going to have to take place in order for us to make any kind of headway and affect anything remotely close to sustainable change.



*A note on location:

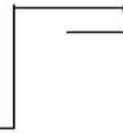
From Railroad Park to Ashland Creek Park

Originally, it was my intention to have this piece set in Railroad Park. However, after quite a bit of deliberation including discussion with Parks and Rec on possibilities, I eventually settled on Ashland Creek park because this particular park is still looking for its identity. Having 'Crystallizing Their Call' installed there could go a long, long way toward not only establishing a solid ideological and artistic identity for the park and perhaps even the neighborhood, but could very well dictate future initiatives for the development of the space in all sorts of complimentary and parallel directions.



Let's just put him right in the center there.

It's like the space is waiting for this, and once I saw it, I definitely got excited at the possibilities!



***Community inclusion :**

1. Landscaping: I think it would be super cool to get anyone in the community who wants to participate, to come out for a day [or two], one before and at least one after placement of the actual sculpture has occurred, to help remove several of the extant bushes, help clear and level the dirt, perhaps plant specific kinds of flowers or grasses around the sculpture's base, as well as lovingly decorating and helping to place the stepping stones.

2. Perhaps most potent component of the community inclusion piece, is to have a page called "Crystallizing Our Call": consisting of a collectively drafted statement of intent by and for those in the community who wholeheartedly support this installation, and the vision it represents, enshrining their dedication and determination to help foster a powerfully healing and nurturing space in this city during their lifetimes.

A ring of stepping stones, decorated by members of the community, will be placed in a circle around the figure in order to invite viewers to more closely share space with him; perhaps to read the names etched into the book aloud, or huddle beneath his wings when the rain catches them unawares.

One can envision people coming to the park to meditate, or take a moment of introspection—the space he holds inviting just this sort of peaceful contemplation.

In this way, he may serve as an **anchor for the creation of community** and moments of deeper understanding in a very real, and tangible way.



MY TEAM

Collaborators:

Jack Langford

Local artist and recognized master sculptor skilled in stonemasonry, metal work, glazing, casting, and more with literal decades of experience consulting and creating large, public sculptures in Ashland, Dubai, and elsewhere.

He will mentor me through the process of sculpting and casting the face and jewelry of the sculpture [bronze]

We Are Here [Bronze Replica]



KCI Waterjet Cutting

Kciwaterjet.com

Local fabrication, assembly and high-precision cutting team with experience on projects ranging from passenger boarding bridges for many of the major airlines to custom fabrication projects like high-detailed feathers and sculpture arrays. They will be responsible for constructing the wings and etching the names and words into the tome as well as any additional aid needed in terms of install.

MATERIALS CUT

PLASTIC STEEL ALUMINUM TITANIUM CERAMIC COPPER

CARBON FIBER FOAM GRANITE RUBBER COMPOSITES GLASS

AND MORE...





Eric Cislo

Local metal smith with extensive knowledge of large-scale framing, sculpture and metal fabrication across a wide range of applications and over two decades of experience. He will be responsible for fabrication and assembly of the figure's body. [He also works closely with Jack Langford and thus further strengthens an already powerful team]



I have already approached each of these collaborators with this idea, shared the visuals and gone over logistics, and every single one of them is excited about the possibility of contributing to the manifestation of this vision. These artisans will be my primary team and I am in touch with several others if the need arises.



PRELIMINARY BUDGET

At present, we are looking at between **\$140-\$160k** for this project with market prices as they currently stand. The reason for the wide margin is to take into account unforeseen challenges, shortages, and pitfalls, as well as the hugely inflated prices for materials at the moment.

PROPOSED TIMELINE

Aside from the time it takes to receive all the permissions necessary and presuming we get the green light from this Council, the largest question mark in terms of time will be normal administrative lag— and fundraising. We believe that between grants, private funders, individual and group fundraising, in-kind donations and the like, we can procure the funds needed to make this project a reality. But it will take time. Once we have overcome that hurdle, barring any major mishaps, we feel we can have the entire sculpture ready for site prep and install within six to eight months of receiving funding.

OUR OFFERING

What we are offering is a fully assembled, complete sculpture voted for and endorsed by both the APCR and the PAC, and a large faction of the community, ready to be installed in Ashland Creek Park at a location already sanctioned by Parks and Rec. We will handle the bulk of the fundraising, procuring of materials, design and construction of the finished piece.

†_THE OPPORTUNITY

As stated above we are offering this piece as a gift to the city, the people of Ashland, and the Rogue Valley, to help foster a culture of conversation and embodied action and to serve as a perpetual reminder of their stated intention to continue working toward an ever-brighter future in this area. *We want to offer you the opportunity* to be a closer partner within this undertaking, and think one really powerful way for you to demonstrate your commitment to the values you've espoused concerning Diversity, Equity and Inclusion would be to fund site prep and install including cement for the footing, and procuring an engineer to oversee that aspect of installation.



PLAQUE DESCRIPTION

This sculpture represents the embodied will of a community to create a tangible manifestation of their desire to call attention to, and ultimately act to change, the plight of Black and brown neighbors, brothers, and sisters. Some might see an ancestor, or a collective embodiment of ancestors. Others may view the figure as the spirit of George Floyd, returned from the future as a being of greater understanding, determined to shepherd the way to a better life after his death turned out to be such a galvanizing spark for so many.

The domed wings shield from the figurative missiles of classism, racism, division and hatred—along with the literal dangers of weather and time. On his lap rests a book etched with the names of a great many fallen: Black lives snatched from the world at the hands of police brutality.

At his chest is the serene face of a woman, representing the capacity for healing, nurturing, growth and vast reserves of patience with the inevitable process that will accompany all of these things. The space in the chest symbolizes the capacity for limitless love. The colored stones surrounding the figure represent community and cooperation as they were lovingly painted by members of the community at large.

A collective statement of intention graces the page at the very front, facing forward, into the direction of progress and change. It was drafted by all those of the immediate community who wished the world and anyone visiting to see that these people chose to use their voices to help this dream become a collectively held reality—thus, crystallizing their call.”



My name is Charisse Sydoriak, 622 Holly. I observed the Council study session last night. Shaun Moran asked a core question: “What did the City Manager consider when he developed the draft resolution?”

We learned that (A) standing advisory committees were selected based on the frequency in which the issues were brought forth in City Council meetings (let’s call this the squeaky wheel principle). He concluded (wrongly in my opinion) that the five proposed standing committees represent the core values of the citizenry. There are other “core” values that are not represented by these bodies, such as the values and services provided by a healthy environment.

And (B) management advisory committees, (quote) “are not really necessary because City staff will reach out to the public for input” (end quote) but the optics of dismissing the majority of commissions would not sit well with the public so he came up with the management advisory committee idea. He stated multiple times that the purpose of these committees is ad hoc, and their duties would generally end in about 3 months. I believe this portrayal is unfounded for at least two commissions.

The Mayor posited that perhaps the solution proposed was Not addressing the core problem— inadequate communications. I agree. The City Council’s interactions with its commissions is lacking. If each commission presented a work plan followed by an annual accountability report, City leaders would gain valuable insights and guide commission work. Had a cost/benefit analysis been developed as the public requested, I am confident that the City Manager would find that staff time taken pales in comparison to the increased capacity and benefits that some commissions deliver.

The purpose of the Ashland Wildfire Safety Commission is to “provide advice and support to the Council and City departments and education to the community on wildfire issues and plans for mitigation action. Specifically, the Commission will function as **THE ENTITY** to foster the efforts of the city of Ashland to adopt and achieve the goals set forth in the Fire Adapted Communities program. (Ord 3044 with amendments).

Since the City of Ashland is the 9th most at risk community from extreme wildfires in the State of Oregon, and the threat is worsening--the Almeda Fire showed us how vulnerable we really are--how can City leaders agree to eliminate the one commission whose purpose is to foster Ashland as a Fire Adapted Community? There is absolutely no way that the City Fire Department can do the job on its own even if it got more resources. Everyone needs to get involved, starting with our leaders, if Ashland is to survive the next big wildfire. Every value represented by the five standing committees stands to be incinerated or damaged by extreme wildfire.

My two questions for the City Manager are:

- 1) How can a body with an on-going functional purpose accomplish that purpose as an “ad hoc” committee?
- 2) Does the passage of this resolution obviate the existing ordinance which created a commission with a functional purpose?

Thank you.

RESOLUTION NO. 2022-24

**A RESOLUTION ESTABLISHING CITY COUNCIL AND
MANAGEMENT ADVISORY COMMITTEES**

RECITALS:

- A. Whereas the citizens of Ashland have a strong history of voluntary service to their community, including on advisory bodies to the City of Ashland (City); and
- B. Whereas Ashland citizens have important practical and technical knowledge on issues and topics important to sustaining the quality of life in the city and on the operational effectiveness of the City of Ashland organization; and
- C. Whereas the City Council of the City of Ashland has an interest in promoting continued community participation in advising the City Council and City management.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ASHLAND, OREGON,
RESOLVES AS FOLLOWS:**

SECTION 1. Procedure and Guidance for advisory committees to the City Council and City staff include the following:

- A. Each advisory committee shall serve solely as an advisory body whose actions or recommendations shall not be considered as City policy or the establishing of City policy or as final decisions of the City and are therefore not subject to administrative or judicial appeal.

Each advisory committee will provide service that does not conflict with the functioning of City departments or other government agency and shall have no executive or administrative powers or civil rights investigatory or enforcement authority. Attendance at an orientation or training session for standing advisory committee members, when offered, is required before they are permitted to further exercise voting rights at committee meetings. The City Manager will provide at least an annual orientation or training session update to all standing advisory committees and will be responsible for assigning City staff support for the work of the advisory committees.

Except as otherwise expressly stated, standing advisory committees shall observe policies and meeting and conduct rules consistent with those set forth for commissions and boards

in AMC 2.10, Uniform Policies and Operating Procedures for Advisory Commissions and Boards, including its meeting and attendance, and code of ethics provisions.

- B. Advisory committee members shall serve as individuals exercising their own best judgement and not as delegates for their respective organization or groups. Committees and their members are not official representatives of the City of Ashland and may not present their committees recommendations or their personal opinions or points of view as representative of the City's policy or operational perspectives. Prior to speaking publicly on behalf of their respective advisory committee, members must secure the permission of their committee to represent the activities or recommendations of their committee.
- C. A quorum of each standing advisory committee shall consist of more than one-half (½) of the total number of its current Council-confirmed voting members, but in no case fewer than three (3) members. Appointed voting and alternative members of a standing advisory committee may not name a substitute or alternate member to attend a meeting of their advisory committee on their behalf. Nonvoting ex-officio members, staff, and liaisons do not count toward the quorum.

Appointed voting and alternate members of a standing advisory committee need not be physically present at a meeting if another means of attendance (e.g., telephonic, internet, etc.) has been established by the membership and public meetings law requirements are met. At least a majority of the quorum is necessary to adopt any motion; some motions may require the affirmative vote of at least two-thirds of the members present.

A voting or alternative member of a standing advisory committee should provide at least a 48-hour notice to both their committee's chairperson and the City Manager appointed ex-officio committee staff support member regarding any planned absence from a scheduled meeting of the advisory committee. In the event an unexpected or emergency absence, the member should notify their advisory committee's chairperson, or the appointed staff support individual within a reasonable time in advance of the meeting.

If the members in attendance do not constitute a quorum, staff or invitees may make informational presentations provided (1) Notes describing the presentations and discussions are made and posted on the City website; (2) no motion, debate or vote or any other official business other than adjournment takes place; and (3) all topics advertised are automatically added to the agenda for the next regularly scheduled meeting.

- D. Standing advisory committees may request voluntary testimony but may not compel an individual or organization to appear before it or respond to questions.
- E. Advisory bodies may consult with other city advisory committees on matters of mutual interest in the course of developing recommendations to bring to the City Council or City Management. It will be the responsibility of advisory committee chairpersons to work or meet informally as needed to coordinate the activities or coordination of matters between their committee and other advisory committees.

- F. Standing advisory committee members (voting, alternative and non-City staff ex-officio) will be appointed by the Mayor with the consent of the City Council. Council confirmed standing advisory committee appointments shall have three (3) year terms. Members of city commissions with corresponding responsibilities as the standing advisory committees will be invited by the City Recorder to confirm their interest in appointment by the Mayor without the necessity of submitting a formal new appointment application. New applicants must submit formal application with the City Recorder for Committee appointment. All regular terms commence with appointment and shall expire on April 30 of the third year. In the case that a new committee member is appointed to fill the remainder of a recently vacated voting position, the new member will be eligible for re-appointment at the end of the partial term they are completing. The City Manager will appoint all ex-officio City staff support committee members. The Mayor, with City Council confirmation, will appoint Council liaisons to each of the standing advisory committees. Council liaisons shall be non-voting ex-officio members of the corresponding committees.
- G. Standing advisory committees shall be governed by AMC 2.10 – Uniform Policies and Operating Procedures for Advisory Commission and Boards. Council liaisons will be assigned for standing advisory committees per AMC 2.04.100. Standing advisory committees will be reviewed by the City Council approximately every three years as to their assigned responsibilities, level of effectiveness and the need for their continued role and existence.
- H. In keeping with the diversity, equity, and inclusion goals of the City of Ashland, efforts will be made to ensure that information regarding standing advisory committee vacancies and the application process is readily available and advisory committees are made up of residents that represent the diverse populations within the City. All committees shall assist the City of Ashland in ensuring that city programs related to the charge of the committee are equitable for all community members, including low-income, young people, persons of color, the elderly, and those living with disabilities. Standing advisory committees may have up to two additional non-voting, ex-officio student/youth members who are of high school or college age.
- I. Unless otherwise stipulated below, voting and alternate standing advisory committee members will be comprised of individuals who reside within the City except one (1) member from each advisory committee may be an at-large member living within the City’s urban growth boundary. Ex-officio members are not required to be residents within the City or the urban growth boundary. Voting and alternate members must be over eighteen (18) years of age.
- J. All standing advisory committees serve at the pleasure of the City Council and shall deliver to the Council, no later than January 31st of each year, an annual report on their activities and accomplishments in the preceding year and provide to the Council for its approval the priorities and workplan for the succeeding year. Standing advisory committees are expected to work with and advise the City Management and City Attorney to insure their committee recommendations are aligned with City Council priorities and can be implemented within the City’s resources and legal authority.

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Commissions transitioning under this resolution to become either standing advisory committees, or potentially to MAC status, are requested to complete any current work to develop recommendations for the City Council and advance them for consideration. These recommendations may advance either as a direct final report or presentation to the City Council or may be advanced to the corresponding advisory committee or City Manager for reporting to the City Council.

- K. The City Attorney is directed to return to the City Council in a timely manner with any updates, changes, or deletions to the Ashland Municipal Code to establish the here identified standing advisory committees as replacements for their corresponding city commissions or boards and to establish them as “Regular” advisory bodies per AMC 2.04.

SECTION 2. Standing Advisory Committees to the City Council are established and responsible for the purposes indicated in the following:

A. **Climate and Environment Advisory Committee (CEAC)**

A Climate and Environment Advisory Committee (CEAC) is established by the City Council. The CEAC should reflect and represent a wide range of community interests and perspectives. Such interests should include, but not be limited to, climate change and environment, public health, energy efficiency and renewable energy, low and moderate-income households needs, economic development, social equity, and sustainable economic development.

The CEAC will consist of up to nine (9) voting members and up to four (4) optional ex-officio members as provided here. The CEAC will strive to include at least two (2) voting members who are 35 years old or younger at the time of appointment. The four ex-officio, non-voting member positions are reserved for one (1) representative of the solid waste franchisee for the City; and one (1) representative from Southern Oregon University (SOU) administration/faculty; one (1) representative from the Ashland School District administration/facility, and one (1) representative appointed by the City Manager to provide support to the committee.

In addition to the voting members, the CEAC may have up to two (2) individuals designated as alternate members. Alternate committee members may be seated to fill the role and responsibility of a voting member at a meeting of the CEPAC that does not have a quorum of voting members in attendance at roll call of the meeting. The rotating seating order between the two (2) alternative committee members in attendance at a CEAC meeting, shall be established by Mayoral designated order at the time of their appointment. Faculty or student ex-officio members of CEPAC may be appointed to be alternative members.

The CEAC shall be responsible for assisting the City in the following:

- i. Recommending strategies, actions, and programs related to the wise and efficient use of community and environmental resources and related to addressing climate change, including in:
 - Climate mitigation and climate smart adaption initiatives, including in Ashland’s Climate and Energy Action Plan (CEAP) and its updates, and their incorporation in updates or changes to City ordinances, administrative rules and processes
 - materials management, waste prevention, reduction, and recycling
 - Electricity, water, and natural resource usage
 - Renewable resource options
 - Air and water quality action planning, including reducing GHG emissions
- ii. Recommending CEAP implementation steps or improvements on behalf of the community and for City operations
- iii. Providing information to staff and the City Council to ensure that benchmarks, targets, or actions develop for, or by the City of Ashland incorporate the best available science and practices to achieve the intended climate or environmental related goals and targets.
- iv. Providing recommendations to ensure the City of Ashland’s climate and environmental planning incorporates long-term social, economic, and environmental goals, including social equity for low-income households, persons of color, the young and elderly, and those with disabilities.
- v. Educating and advocating for Ashland’s environmental goals, including its Community Climate Recovery Goals.

B. Historic Preservation Advisory Committee (HPAC)

An Historic Preservation Advisory Committee (HPAC) is established by the City Council. The HPAC will consist of up to nine (9) voting members, and two nonvoting ex-officio members including the Chairperson of the Planning Commission, and one (1) representative appointed by the City Manager to provide support to the committee from the City’s Community Development Department. To qualify the HPAC’s as the City of Ashland’s Certified Local Government (CLG) Commission, the majority of appointments for voting members of the HPAC, to the extent volunteer members are available in the City, will have direct historic preservation experience or meet the professional qualifications (including archaeology, architectural history, conservation, cultural anthropology, curation, engineering, folklore, historic architecture, historic landscape architecture, historic preservation planning and history) under Oregon State Historic Preservation Office requirements.

The HPAC shall be responsible for assisting the City in the following:

- i. Recommending to the Planning Commission and the City Council, areas or properties of significant historical value and interest for consideration to be designated historical properties.

- ii. Recommending ordinances and other measures designed to protect and foster interest in the improvement of designated historical properties.
- iii. Reviewing literature and sources of funding concerning the protection and improvement of designated historic properties.
- iv. Advising City staff and the Planning Commission concerning the improvement of designated historic properties in connection with Type II and Type III Planning Action involving new construction or alterations to existing historic resources.
- v. Advising applicants and staff upon request on sign permits, building permits and other projects involving new construction or alterations within Ashland's designated Historic Districts.
- vi. Advising the Planning Commission, the Ashland Park Commission, other city advisory commissions, boards and committees, and city departments regarding historic components of government projects under consideration within Ashland's designated Historic Districts.
- vii. Advising City staff and the Planning Commission on project applications for funding.
- viii. Assisting in promoting public support for the preservation and recognition of Ashland's historic past.
- ix. Advising City staff and the Planning Commission on aesthetic standards for historic areas.

C. Housing and Human Services Advisory Committee (HHSAC)

A Housing and Human Services Advisory Committee (HHSAC) is established by the City Council. The mission of the HHSAC is to assess and make recommendations to the City for addressing the continuum of housing and human services needs for the purpose of enhancing community health and well-being. Members will be from a broad spectrum of citizens including individuals with a background in social services, unhoused and marginal income population services, economic and housing development, universal housing design, and elderly and disabled persons needs.

The HHSAC will consist of nine (9) voting members, one (1) nonvoting ex-officio liaison from Southern Oregon University (SOU), and one (1) nonvoting ex-officio member appointed by the City Manager to provide housing program support.

The HHSAC shall be responsible for assisting the City in the following:

- i. Assessing the making recommendations on the continuum of housing and human services needs of the community and funding strategies relating to housing and human services.
- ii. Advising the City Council on programs that assist in addressing the unmet utility, medical, transportation, and food needs of seniors, children and families in Ashland, and other related human services programs.
- iii. Making recommendations to the City Council on Community Development Block Grant (CDBG), City of Ashland Social Service Grants, and Housing Trust Fund and related allocations.
- iv. Assisting in identifying federal, state, county, and private funding for implementation of housing and human services programs.
- v. Fostering public knowledge of and support for official city housing and human services Programs.
- vi. Enhancing cooperation between the public and private sectors by promoting integrated approaches that provide suitable housing, a healthy living environment, and expanded economic opportunities for low and moderate-income persons.
- vii. Evaluate, reviewing, and recommending to the Planning Commission and City Council innovative land use strategies targeted to promote a broad variety of needed housing types.
- viii. Monitoring housing discrimination complaints and corrective actions within the City, and advising the City Council on potential measures to be taken to further equal opportunity to all persons to live in suitable housing facilities regardless of race, color, religion, sexual orientation, gender identity, national origin, source of income, or familial status.

D. Public Arts Advisory Committee (PAAC)

A Public Arts Advisory Committee (PAAC) is established by the City Council. The mission of the PAAC is to enhance the cultural and aesthetic quality of life in Ashland by actively supporting the placement of public art in public spaces and serving to preserve and develop public access to the arts. The continued vitality of the arts in the City of Ashland is a vital part of the future of the City as well as of its citizens. The arts are an important part of the cultural and economic life of the entire community of Ashland and enrich the participants in the arts as well as those who observe them.

The PAAC will consist of nine (9) voting members of which six (6) voting members will be from a broad spectrum of citizens including artists and those with a background in the arts, arts organizations, education, structural and landscape architecture. Up to three (3) of these six (6) voting members of the PACC may reside outside the City limits. The

three (3) remaining voting members of the PAAC will be citizens at-large and residents of the City. The City Manager may also appoint two (2) non-voting ex-officio members to the PAAC, one (1) of which will be from the City's Public Works Department, to provide support to the committee.

The PAAC shall adhere to and fill the role of the Public Art Commission as it may be designated in AMC 2.29 – Public Art. The PAAC shall also be responsible for assisting the City in the following:

- i. Providing advice to ensure the arts continue to be of value as an integral part of Ashland.
- ii. Assisting in promoting the arts in Ashland to enrich the lives of its citizens through education and demonstration.
- iii. Advising the City Council and City management on standards and guidelines for selecting, commissioning, placing, maintaining, and removing public art.
- iv. Advising the City of Ashland on how best to assist local organizations that provide local leadership on arts related matters to make the arts a more important part of community life.
- v. Assisting the City council, the Ashland Parks Commission, Historic Preservation Advisory Committee, and the Planning Commission in using public art to enhance existing development in public parks and other public lands and in public structures.
- vi. Advising the Planning Commission, the Ashland Parks Commission, other city advisory commission and committees, and city departments regarding artistic components of all municipal government projects under consideration by the City. The PAAC may also serve as a resource for assessing the artistic components of land use developments.
- vii. Advising the City Council on policies and programs to enhance and encourage the planning, placement, and maintenance of public displays of art in locations open to the public within the community.
- viii. Encouraging connections with other local, regional, and national organizations working for the benefit of art and preservation of artistic values.
- ix. Recognizing and encourage groups and organizations that enrich Ashland life by bringing cultural and artistic values and artifacts to the City.
- x. Assist in the pursuit of gifts and grants for support of arts programs and activities and the procurement of public art.

E. Social Equity and Racial Justice Advisory Committee (SERJAC)

A Social Equity and Racial Justice Advisory Committee (SERJAC) is established by the City Council. The SERJAC will consist of nine (9) voting members and one (1) nonvoting ex-officio member designated by the City Manager to provide support to the committee. Voting members will include members from a broad spectrum of community interests and perspectives, specifically including individuals with backgrounds in race and social equity work and a representative cross section of historically marginalized or underrepresented groups, such as Black, Aboriginal peoples, people of color, LGBTQ+, the elderly and disabled persons.

The SERJAC shall be responsible for assisting the City in the following:

- i. Encouraging understanding and celebration of the diversity of the City's population and visitors and promote amicable intergroup relations within the City.
- ii. Recommending policies, measures, and practices to bring about social and racial equity and a greater inclusion for all who live, work, or visit in the City, including counter measures to systematic racism, homophobia, sexism, classism, and other racial and social inequities impacting Black, Indigenous, people of color, LGBTQ+, and disabled persons, as well as other marginalized persons in the Ashland community.
- iii. Recommending efforts to increase economic opportunities for Black, Indigenous, people of color, LGBTQ+, and disabled persons, as well as other marginalized persons in the Ashland community.
- iv. Advising on diversity, equity, and inclusion (DEI) and human rights training for the City of Ashland's staff, commissions/boards, other advisory committees, and the City Council.
- v. To seek, at least every two (2) years, a broad spectrum of input from community members on emerging issues and needs of the Ashland community as they relate to diversity, equity, inclusion, human rights, and intergroup relations.

SECTION 3. Management Advisory Committees (MAC) may be established to serve at the request of the City Manager or Department Heads to provide technical advice, and community support and input that can assist in preparing recommendations to enhance City operations or program implementation or for City Council consideration.

MACs are generally intended to be project or program specific but can meet as often and as long as necessary to meet their requested role or functions. Some MACs may meet only occasionally when requested, while others may meet regularly or semi-regularly over extended periods of time per the role assignment or needed term for their assistance. Membership on MACs will be established based on the type of advice sought and availability of potential qualified participants, urgency of issue or program being addressed, timeframe for the committee's role/participation,

availability of City staff support resources, and/or other circumstances or considerations affecting the ability for effective MAC role participation. The rules of procedure, if necessary, for each MAC will also be established by the City Manager or appointing Department Director at the time of the corresponding MAC's establishment. The City Council may refer issues or tasks to consideration by a MAC by vote of the City Council request to the City Manager. MACs may include project or program topics related, but not limited to the following:

- Airport Operations
- City Band
- System Development Charges
- Transportation
- Trees and Urban Forest
- Wildfire Safety

SECTION 4. This resolution is effective upon adoption.

ADOPTED by the City Council this _____ day of _____, 2022.

ATTEST:

Melissa Huhtala, City Recorder

SIGNED and APPROVED this _____ day of _____, 2022.

Julie Akins, Mayor

Reviewed as to form:

Doug McGeary, Interim City Attorney